S. Hrg. 98-287

FBI OVERSIGHT AND AUTHORIZATION

HEARING

BEFORE THE

SUBCOMMITTEE ON
SECURITY AND TERRORISM

OF THE

COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE

NINETY-EIGHTH CONGRESS

FIRST SESSION

ON

RESPONSIBILITIES, AUTHORITY, AND ACTIVITIES OF THE FEDERAL BUREAU OF INVESTIGATION

FEBRUARY 2, 1983

Serial No. J-98-4

Printed for the use of the Committee on the Judiciary

U.S. GOVERNMENT PRINTING OFFICE
18-932 O WASHINGTON : 1983

55274

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FBI OVERSIGHT AND AUTHORIZATION

WEDNESDAY, FEBRUARY 2, 1983

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
SUBCOMMITTEE ON SECURITY AND TERRORISM,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:05 a.m., in room SD-226, Dirksen Senate Office Building, Senator Jeremiah Denton (chairman of the subcommittee) presiding.

Also present: Senators East and Leahy.

Staff present: Joel S. Lisker, chief counsel and staff director; Bert W. Milling, Jr., counsel; John D. Podesta, minority chief counsel; Samual T. Francis, counsel, Separation of Powers Subcommittee; and Randall R. Rader, general counsel, Constitution Subcommittee.

OPENING STATEMENT OF SENATOR JEREMIAH DENTON

Senator DENTON. The hearing will come to order.

I expect Senator East and Senator Leahy to arrive in a few moments, but they have asked that I proceed and start on time.

I welcome the Director of the Federal Bureau of Investigation, Judge William Webster, and invite him, after I make my opening statement, to make his.

The subcommittee, pursuant to its mandate and responsibility, today begins its hearing agenda for the 1st session of the 98th Congress with an open oversight hearing on the operations of the Federal Bureau of Investigation (FBI).

I believe that it has been and will continue to be mutually beneficial for the subcommittee and the Bureau to review together, at the beginning of each year, the significant accomplishments of the FBI and events affecting the Bureau during the preceding year, as well as to discuss together the forecast and requirements for the upcoming year.

It continues to be the subcommittee's clear intention to insure that the FBI has the necessary authority and tools to discharge its investigative responsibilities in the areas of Federal crime, terrorism, and foreign counterintelligence.

It is my understanding that our hearing today coincides with the release of the FBI's Analysis of Terrorist Incidents in the United States for the year 1982, and that this report is available here. It is an important document and I commend the Director and the Bureau for their effort to inform other law enforcement agencies, the Congress, and the public of the Bureau's assessment of the domestic terrorist threat during the past year. I strongly recommend that the Bureau continue to publish the report each year.[1]

In order to make the best use of our limited time, rather than read the rest of my statement, I will place my full prepared statement in the record. This will allow us to proceed more directly to the testimony of Judge Webster.

However, before we receive your opening remarks, Judge Webster, I would like to make a comment for the record.

As the 98th session of the Congress gets started, I take this opportunity to express my appreciation for the full support and cooperation that the subcommittee has received from the personnel of the Government Printing Office in compiling and printing the records of the hearings of the subcommittee. I especially want to commend Mr. Walter G. Jung, the printer who works directly with the subcommittee staff. Mr. Jung has worked very professionally and patiently with the staff to assist us in compiling the very best hearing records for public dissemination.

I view this as a most important part of the subcommittee work which could not have been accomplished without the guidance and cooperation of Mr. Jung and the other able members of the staff at GPO.

[The full statement of Senator Denton follows:]

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[1] The complete text of the "FBI Analysis of Terrorist Incidents in the United States, 1982" appears in the appendix, p. 43.

PREPARED STATEMENT OF SENATOR JEREMIAH DENTON

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As we begin the 98th Congress, I believe it would be useful to review the work of the Subcommittee during the last Congress and to set out what I propose as an agenda for the first session of the new Congress.

During the 97th Congress, the Subcommittee on Security and Terrorism held a total of twenty-seven hearings -- five for authorization and oversight of the Federal Bureau of Investigation (FBI) and the Drug Enforcement Administration (DEA); four legislative hearings (one of which was held in conjunction with an oversight hearing); and nineteen hearings to examine issues of national security.

At the beginning of the session, the Subcommittee asked the General Accounting Office to undertake a study of the responsibilities of the various government agencies for domestic terrorism. The study, which will be completed in the early spring of 1983, will analyze the responsibilities, interrelationships and resources of those agencies.

Following the FBI and the DEA Authorization/Oversight hearings in 1981, the Subcommittee undertook an extensive inquiry into the origins, directions and support of terrorism. A series of five hearings held during the first session demonstrated conclusively many linkages and interrelationships among international terrorist groups.

The hearings further documented extensive involvement and complicity by the Soviet Union and its surrogates in a worldwide network of terrorism, much of which takes place in the name of "national liberation" movements.

Moreover, the hearings demonstrated that Soviet exploitation of those movements included military and political training in the Soviet Union and its proxy states; furnishing equipment, including special weapons, money, documents, and escape mechanisms; furnishing advisors, some of whom participated in the selection of civilian targets; and furnishing propaganda support directly in the Soviet and satellite press as well as through stories planted in the international press. The hearings also disclosed Soviet use of United Nations organizations to help promote and legitimize "national liberation" organizations that employ terrorism to accomplish their goals.

The Subcommittee made a case study of the Turkish experience with terrorism, both at home and abroad. Two days of hearings were devoted to an examination of Russian political history; they demonstrated the origins of terrorism as a tool to further Soviet foreign policy objectives. Dr. James Billington, of the Woodrow Wilson Center for Scholars, testified that the word "terrorist" was first adopted in the 19th century as a badge of pride by a major revolutionary group in Russia just before it launched the most spectacular program of systematic political assassination.

During the hearings held on June 12, 25, and 26, 1981, the Subcommittee heard testimony from three different witnesses about a Bulgarian and Soviet KGB connection with Mehmet Ali Agca, the Turkish national who attempted to assassinate the Pope. The information disclosed by the hearing was made public within a month of the attempted assassination, and approximately 18 months before the television documentaries and magazine articles that expose the probable complicity of the Bulgarians and the Soviets.

The Subcommittee also held a hearing about the disposition of 20,000 cubic feet of federal government personnel security investigative files, which highlighted the problems of the current federal personnel security program implemented in accordance with the provisions of Executive Order 10450. As a result of the Subcommittee's interest and efforts, the destruction of the bulky portion of the files, about 1,000 cubic feet, was averted when the Archivist of the United States determined the material indeed had historical value. The Subcommittee is continuing its oversight to ensure the proper disposition of the remaining 19,000 cubic feet of records.

The Subcommittee held hearings on S.391, the Intelligence Identities Protection Act, which were instrumental in its enactment during the second session of the 97th Congress through H.R.4, the House version of the Senate bill. Among other things, the new law, to be codified in 50 U.S. Code Section 421, makes it a crime to disclose without authorization information identifying certain U.S. Intelligence Officers, agents, informants and sources, even though the information may have derived from public sources.

The Subcommittee on Security and Terrorism began the Second Session of the 97th Congress with two FBI oversight hearings, one open and one closed. Those hearings dealt with the problems of domestic security and highlighted the inability of the FBI to gather and disseminate information on domestic groups or individuals who advocate violence and subversion. It appears that the Attorney General's Guidelines for Domestic Security Investigations ("Levi Guidelines") contribute to the diminished latitude of the FBI's domestic intelligence gathering capacity.

In a subsequent series of four hearings, the Subcommittee inquired extensively into the ripple effect of the "Levi Guidelines" on agencies such as the U.S. Secret Service and the U.S. Park Police, as well as on state and municipal law enforcement agencies. From the evidence, it is clear that a serious condition now exists that must be remedied, and the Subcommittee will work to bring about the necessary changes. The Justice Department and the FBI have agreed that the guidelines need modification and have undertaken to review and modify them. The Subcommittee will be afforded the opportunity to comment on the suggested changes, which we expect to see within the next few days.

During the "Levi Guidelines" hearings, the Subcommittee developed a record that underscored the urgency attached to amending the Freedom of Information Act, the Privacy Act, and the Federal Tort Claims Act in order to make possible essential intelligence gathering activities. I expect that such legislation will be reintroduced in the 98th Congress.

As a result of the DEA oversight hearing and a subsequent series of four hearings examining the role of Cuba in international terrorism and subversion, the Subcommittee called the attention of the DEA and other government agencies to the Cuban government's role in facilitating international drug traffic, especially by allowing Cuban waters to be used for the off-loading of drugs intended for U.S. markets. The hearings further documented Cuban efforts, through its intelligence service, the DGI, to infiltrate and place agents in South Florida and other parts of the U.S.; Cuba's provision of training, support, and propaganda to terrorist movements in Latin America, in Puerto Rico and in the Miami area; and the role of the Soviet Union in those efforts, as shown by the KGB's complete control of the DGI.

In a series of five hearings in March 1982, the Subcommittee revealed and documented, through the testimony of former members of the African National Congress (ANC) and the South West Africa People's Organization (SWAPO), the extent to which such "national liberation movements" in Africa have been subverted by the Soviet Union, Cuba, and the German Democratic Republic and used to advance Soviet foreign policy objectives. The Subcommittee was also able to document the terrorist nature of both the ANC and SWAPO; the indiscriminate use of terror by those organizations against civilian populations and their own members who questioned these and other practices; and the role of the Soviet Union, East Germany, and Angola in training and equipping the terrorists.

During the hearings, the Subcommittee uncovered a successful plot hatched at the United Nations by the SWAPO President, Sam Nujoma, to assassinate two political rivals in Namibia. The Subcommittee referred the details of the plot, and the supporting documents, to the Justice Department and the Attorney General of New York for investigation.

On December 16, 1982, Bartholomew Hlapane, a former member of the African National Congress and of the South African Communist Party, was murdered along with his wife, in his home in Soweto, South Africa, by assassins using an AK-47 assault rifle. It now appears that his fifteen year old daughter, Brenda, who was wounded in the attack, will be permanently paralyzed. Based on the modus operandi, the choice of weapon, and a public statement, it appears that the killers were ANC terrorists.

On March 25, 1982, Mr. Hlapane courageously testified before the Subcommittee about the clandestine role of the South African Communist Party in the ANC and in the formation of the ANC's terrorist wing, Umkonto We Sizwe, "The Spear of the Nation." Before giving that testimony, Mr. Hlapane met with other witnesses, all former members of the ANC and the South West Africa People's Organization (SWAPO), to discuss the possible consequences of their testimony. Mr. Hlapane and the other witnesses, knowing they were marked for assassination, decided to tell their own stories and to expose the role of the Soviet Union and other communist countries in subverting

AND EXPLOITING THE ANC AND SWAPO TO ACCOMPLISH COMMUNIST FOREIGN POLICY OBJECTIVES. ALL THOSE BRAVE WITNESSES BELIEVED THAT SOMEONE HAD TO TELL THE WORLD THE TRUTH ABOUT WHAT IS REALLY HAPPENING IN SOUTHERN AFRICA. THEY SAID THAT, IF THEY DID NOT DO IT,THE REAL STORY WOULD PROBABLY NEVER BE TOLD.

THE SUBCOMMITTEE ALSO HELD HEARINGS ON SEVERAL PIECES OF LEGISLATION: S.2255, THE ANTI-TERRORISM AND FOREIGN MERCENARY ACT; S.1963, A BILL TO TRANSFER RESPONSIBILITY FOR RECEIVING NOTIFICATION OF NON-DIPLOMATIC AGENTS OF FOREIGN GOVERNMENTS FROM THE STATE DEPARTMENT TO THE JUSTICE DEPARTMENT; S.2320, A BILL TO ENHANCE CRIMINAL FORFEITURE OF PROCEEDS IN DRUG AND RACKETEERING RELATED CASES; AND S.1959, A BILL TO REQUIRE NATIONALS OF COMMUNIST COUNTRIES TO REGISTER WITH THE ATTORNEY GENERAL PRIOR TO ENGAGING IN CERTAIN ACTIVITIES INVOLVING MEMBERS OF CONGRESS AND CONGRESSIONAL EMPLOYEES.

ON DECEMBER 19, 1982, S.1963 WAS PASSED BY THE SENATE BY UNANIMOUS CONSENT, BOTH AS A FREESTANDING BILL AND AS AN AMENDMENT TO H.R.7154, A BILL TO RELIEVE THE U.S. MARSHAL SERVICE FROM SERVING CIVIL PROCESS. THE CONFERENCE COMMITTEE APPROVED THE INCREASE IN PENALTIES BUT DELETED THE SHIFT IN RESPONSIBILITY FOR RECEIVING NOTIFICATION AS PROVIDED IN THE ORIGINAL BILL.

THE HEARING ON S.1959 DEMONSTRATED THE ALARMING EXTENT OF UNRESTRICTED, AND LARGELY UNMONITORED, COMMUNIST BLOC ACTIVITIES ON THE HILL. MOREOVER, THE ONGOING EFFORT OF COMMUNIST BLOC INFILTRATORS TO CULTIVATE AGENTS OF INFLUENCE IS AN ALARMING SITUATION THAT S.1959 SEEKS TO ADDRESS. IT IS A SPECIAL CONCERN GIVEN THE DIFFICULTIES THE FBI, WITH ITS LIMITED RESOURCES, HAS IN PROPERLY MONITORING SUCH ACTIVITY. THE SUBCOMMITTEE WILL CONTINUE TO LOOK FOR LEGISLATIVE, AS WELL AS ADMINISTRATIVE, REMEDIES FOR THIS GRAVE PROBLEM.

THE SUBCOMMITTEE ON SECURITY AND TERRORISM BEGINS THE FIRST SESSION OF THE 98TH CONGRESS WITH THE FIRST OF TWO FBI OVERSIGHT HEARINGS. THE "LEVI GUIDELINES," EFFORTS TO MODIFY THEM, AND THE FBI'S ABILITY TO GATHER INTELLIGENCE ON DOMESTIC GROUPS THAT ADVOCATE VIOLENCE, TERRORISM OR SUBVERSION

WILL BE OF PARAMOUNT INTEREST. THE SUBCOMMITTEE WILL ALSO CONSIDER THE ABILITY OF THE FBI TO EXTEND ITS INTELLIGENCE GATHERING ACTIVITIES TO GROUPS THAT FURNISH SO-CALLED "LEGAL SUPPORT" FOR TERRORIST ORGANIZATIONS. THE SECOND MAJOR ITEM ON THE AGENDA OF THE SUBCOMMITTEE WILL BE THE DEA OVERSIGHT HEARINGS.

BEGINNING TODAY, THE SUBCOMMITTEE WILL ALSO TAKE A CLOSE LOOK AT THE STATISTICAL PROCEDURES USED IN COMPILING DATA ON TERRORIST INCIDENTS IN THE U.S., SINCE IT APPEARS THAT THE CRITERIA FOR INCLUSION IN THE FBI'S REPORT MAYBE UNDULY LIMITING. THE CURRENT CRITERIA MAY CONTRIBUTE TO AN UNDERESTIMATION OF THE THREAT THAT DOMESTIC TERRORISM PRESENTS.

ANOTHER TOPIC OF CONCERN TO THE SUBCOMMITTEE WILL BE THE 1984 OLYMPIC GAMES, TO BE HELD IN LOS ANGELES, CALIFORNIA. INFORMATION CONTINUES TO REACH THE SUBCOMMITTEE, FROM VARIOUS SOURCES, THAT TERRORIST GROUPS MAY BE PREPARING TO EXPLOIT THE EVENTS. MUCH STILL NEEDS TO BE DONE BY BOTH FEDERAL AND STATE AGENCIES TO PREPARE FOR THAT CONTINGENCY. WE WILL UNDERTAKE AN INQUIRY, FOLLOWED BY CLOSED HEARINGS, TO ASSESS THE PROBLEM AND TO ENSURE THAT RESOURCES ARE AVAILABLE TO PERMIT AN EFFECTIVE RESPONSE TO ANY THREAT THAT MAY DEVELOP.

THE SUBCOMMITTEE PLANS TO HOLD HEARINGS TO EVALUATE THE IMPACT OF THE SOUTH FLORIDA TASK FORCE ON DRUG TRAFFICKING IN FLORIDA AND ADJACENT EASTERN AND GULF COAST STATES. OF CONTINUING INTEREST IS THE EXTENT TO WHICH INTERNATIONAL TERRORIST GROUPS AND COUNTRIES SUCH AS CUBA CONTINUE TO FACILITATE OR UTILIZE DRUG SMUGGLING TO FINANCE THEIR OWN ACTIVITIES.

IN THE AREA OF DOMESTIC TERRORISM, THE SUBCOMMITTEE PLANS TO EXAMINE TERRORISM IN THE U.S. AND PUERTO RICO UNDERTAKEN ON BEHALF OR IN THE NAME OF THE PUERTO RICAN INDEPENDENCE MOVEMENT. WE WILL ALSO EXAMINE THE LEGAL, FINANCIAL AND PROPAGANDA SUPPORT THAT TERRORIST GROUPS SUCH AS THE PLO, ANC, SWAPO, AND THE PROVISIONAL IRISH REPUBLICAN ARMY RECEIVE FROM WITHIN THE U.S. WE WILL SEEK TO DEVELOP APPROPRIATE MEASURES TO CURTAIL THAT SUPPORT.

THE SUBCOMMITTEE HAS SCHEDULED TWO HEARINGS TO EXAMINE

AVAILABLE EVIDENCE PURPORTING TO LINK THE USSR AND BULGARIA TO THE ATTEMPTED ASSASSINATION OF POPE JOHN PAUL II.

IN CONJUNCTION WITH THE FOREIGN RELATIONS COMMITTEE, THE SUBCOMMITTEE WILL ATTEMPT TO DEVELOP LEGISLATION DEALING WITH ACTIVITIES OF FOREIGN AGENTS IN THE UNITED STATES AND WILL SEEK AMENDMENTS TO REFINE THE FOREIGN AGENTS REGISTRATION ACT OF 1938, AS AMENDED. WE WILL CONTINUE TO PLACE A HIGH PRIORITY ON DEVELOPING AND ENACTING LEGISLATION TO DEAL WITH TERRORISM SINCE, UNDER CURRENT LAW, THERE ARE NO PROVISIONS ADDRESSING TERRORISM PER SE AS A FEDERAL CRIMINAL OFFENSE.

DURING THE 97TH CONGRESS, WITNESSES BEFORE THE SUBCOMMITTEE REPEATEDLY URGED AMENDMENTS TO THE FREEDOM OF INFORMATION ACT, THE PRIVACY ACT, AND THE FEDERAL TORT CLAIMS ACT, AS WELL AS MODIFICATION OF THE "LEVI GUIDELINES," IN ORDER TO ENHANCE THE ABILITY OF THE U.S. GOVERNMENT TO GATHER AND PROPERLY USE INTELLIGENCE INFORMATION NECESSARY FOR THE PROTECTION AND PRESERVATION OF OUR NATIONAL SECURITY. THE SUBCOMMITTEE WILL ATTEMPT TO IDENTIFY AND SUPPORT ALL REALISTIC WAYS OF EXPEDITIOUSLY EFFECTING CHANGES TO IMPROVE THE ABILITY OF THE AUTHORIZED AGENCIES OF THE GOVERNMENT TO DO THEIR JOB EFFECTIVELY.

Senator DENTON. Welcome again, Judge Webster. You may proceed with your prepared statement.

STATEMENT OF HON. WILLIAM H. WEBSTER, DIRECTOR, FEDERAL BUREAU OF INVESTIGATION

Mr. WEBSTER. I am pleased to appear before you again at this annual oversight hearing on the operations of the FBI. As always, I look forward to reporting on the Bureau's activities over the past year, and outlining our future direction.

In the coming year, the FBI will continue to emphasize priority investigative programs directed against white-collar crime, organized crime, and foreign counterintelligence. In addition, I have instructed that terrorism investigations be elevated to a national priority program within the FBI.

In calendar year 1982, there were 51 terrorist incidents in the United States. This compares with 42 in 1981 and 29 in 1980. There were 7 people killed and 26 injured in 1982, 6 more deaths and 22 more injuries than in 1981. The increase in these vicious and seemingly random acts has prompted the Bureau to dedicate additional resources to counter the activities of terrorists. One example is the development of a hostage rescue team. This team, comprised of carefully selected special agents, is now receiving extensive training at our Quantico facility.

Our efforts against terrorists have produced results. For example, three members of the Armenian Secret Army for the Liberation of Armenia, which we call ASALA, were arrested in May and indicted for attempting to bomb the Air Canada cargo entry area at Los Angeles International Airport. A member of the Justice Commandos of the Armenian Genocide was arrested for the January 1982 assassination of the Turkish Counsel General, in Los Angeles, Calif. Another suspect remains a fugitive. Five additional members of the JCAG were arrested for their involvement in the acquisition and construction of an explosive device, and its transportation on a commercial aircraft. These arrests mark the first time that members of the JCAG have been arrested before a terrorist act was committed.

Six Croatian National Resistance members were convicted of violations of the racketeer influenced and corrupt organizations—that is our RICO statute—in 1982. These convictions represent a serious blow to Croatian terrorism in the United States and are the product of the innovative approach of using the RICO statute against terrorists.

I should point out that last week the court of appeals for the second circuit reversed a 1981 conviction of four Croatians for violations of the RICO statute. Although the defendants remain convicted of other charges, the court ruled that the RICO statute is inapplicable when criminal acts are committed for political rather than mercenary purposes. At this point it is not known what impact this opinion will have on other cases. I am advised that the Government is considering asking for a rehearing or an appeal. If the decision stands, the Bureau will request the Department of Justice to draft clarifying legislation.

The undercover investigative technique has proved successful in terrorist investigations. An operation conducted by our New York office resulted in the arrests of four members of the Irish Republican Army (IRA) in the United States, the arrests of three individuals in Ireland, and the seizure of a large quantity of arms, ammunition, and electronic detonating equipment destined for Northern Ireland. The arrests and seizure effectively neutralized an IRA cell which was covertly shipping large quantities of arms to Northern Ireland.

During fiscal year 1982, investigative efforts in the organized crime program also resulted in a number of significant accomplishments. There were 763 convictions, 1,453 informations or indictments, over $12 million in recoveries, restitutions, and court-ordered forfeitures, according to our own records, and in excess of $16 million in potential economic loss prevented. White-collar crime investigations resulted in 599 misdemeanor convictions, 3,335 felony convictions, recoveries of nearly $250 million and, according to our own records, over $2.5 billion in economic loss prevented.

Although much of the Bureau's effort in foreign counterintelligence cannot be discussed publicly, two recent cases illustrate our progress in this area.

In April 1982, Otto Gilbert, a Hungarian-born, naturalized U.S. citizen, was arrested by FBI agents in Augusta, Ga., on espionage charges. In exchange for his cooperation, Gilbert was allowed to plead guilty to one count of espionage and received a 15-year sentence. His arrest resulted in an additional arrest in a Western European country and the disruption of other clandestine operations.

On January 30, 1982, FBI personnel observed Vasiliy J. Shetov, a major general of the Soviet Army and head of GRU clandestine activity in Washington, while he was involved in espionage. After a high-speed chase, Shetov was apprehended and forced to identify himself as a Soviet military attaché with diplomatic immunity. Later, he was declared persona non grata and departed the United States.

Both of these investigations demonstrate the day-to-day reality of foreign intelligence activity which, if unchecked, could seriously damage our national security.

Mr. Chairman, two examples in our general crimes programs deserve mention. In one, three individuals, including a convicted contract killer, were found guilty of charges of murder, conspiracy to commit murder, and conspiracy to obstruct justice in connection with the slaying of U.S. District Court Judge John H. Wood of San Antonio, Tex., in 1979. One other person has entered a guilty plea in this case, and prosecution of another suspect is underway. Statistics bear out that this case was one of the most exhaustive investigations in the Bureau's history. Over 6,000 interviews were conducted, some 200,000 entries were made in our computer system, 93 special agent work years were expended, and 44 of our 59 field divisions participated—and I might say it was worth every bit of the effort.

In a second investigation, Federal indictments were returned against 11 individuals charging a variety of crimes, including bank robbery, Hobbs Act, obstruction of justice, and aiding and abetting, as a result of an FBI investigation into the October 1981 attempted robbery of an armored truck in Nanuet, N.Y., and related crimes. That is sometimes referred to as the Brinks robbery or the Nanuet robbery. As you recall, one truck guard and two police officers were shot to death during the robbery and attempted getaway.

During January 1982, the Attorney General gave the FBI concurrent jurisdiction with the Drug Enforcement Administration, DEA, for investigations relating to violations of Federal narcotics statutes. As a result, the FBI dedicated significant resources to the investigation of narcotics matters. FBI investigations have increased from 100 to over 1,000 and are directed at organized crime, financial crimes, and public corruption involving drugs. As an example of agency cooperation, joint FBI/DEA investigations have increased from a handful to over 300. At the end of fiscal year 1982, FBI narcotics investigations had resulted in 616 indictments and 326 convictions.

In my testimony last year, I advised that the FBI's Identification Division had suspended criminal record services to banking institutions and State and local employment and licensing authorities during fiscal year 1982. As you recall, a critical work backlog made this drastic action necessary. I am pleased to report that the suspension accomplished its purpose. The Division's work backlog was more than halved, as was the time required to respond to requests. Consequently, full services were restored on October 1, 1982, the date I projected when I testified last year.

The Identification Division is now charging a $12 user fee for the processing of each applicant fingerprint card submitted by the banking, securities, and commodity futures industries, and by State and local employment and licensing agents. The fees are used to pay for salaries and related expenses incurred in providing the services. Specific statutory authority is required to allow the FBI to retain and utilize the fees. Appropriate language has been included in the Department of Justice's proposed authorization bill to allow the FBI to retain and use the fees during fiscal year 1984.

Mr. Chairman, the administration's budget request has recently been sent to Congress. I would like to point out some of the highlights of the Bureau's submission.

The FBI is requesting 19,940 positions and $1,055,690,000 in direct funding for fiscal year 1984. This represents program increases of 461 positions and $170,552,000 above the 1983 appropriated level. Included in these program increases are three major initiatives to move the FBI toward state-of-the-art technology for our investigative, administrative, and support operations.

Privacy of radio communications during investigations is essential to effective law enforcement and to the safety of our agents and the public. The 1984 request will provide $50.3 million for voice privacy and technical equipment. This represents the third year of funding in a 4-year project to equip all FBI radio systems with voice privacy protection.

There are $38 million being added to our automated data processing and telecommunications program to complete the first of six regional computer centers to automate FBI administrative, investigative, and managerial reporting systems. Finally, $41.7 million is requested to automate the fingerprint identification processing system.

Mr. Chairman, several new laws passed in 1982 should permit the Bureau to pursue its mission more effectively. An important example is an amendment to the Tax Reform Act of 1976 which will improve access to information held by the Internal Revenue Service. Another bill enhances our efforts against record, tape, and film piracy and counterfeiting.

In my opinion, additional changes in the law are necessary. An amendment to the Federal Tort Claims Act to protect our agents from the threat of personal liability for actions taken while conducting investigations is essential if the Federal criminal law is to be vigorously enforced.

Changes in the Freedom of Information Act are needed to further protect confidential sources and other sensitive information in Bureau files. In addition, items traditionally included in the Department of Justice authorization bill should be enacted into permanent legislation to avoid the lapses of authority which attend the hiatus between authorization bills. An important example is the provision granting certain statutory exemptions to the Bureau to permit us to engage in certain activities required in managing undercover operations. Accordingly, the Department of Justice is considering the submission of legislation to provide these vital authorizations on a continuing basis.

Mr. Chairman, thank you for permitting me to summarize the accomplishments of the FBI in 1982 and explain our direction for 1983. I would be happy to answer any questions you or other members of the subcommittee may have.

Senator DENTON. Thank you, Judge Webster.

Could you give us some idea of the kinds of savings in either manpower or efficiency that would obtain from the automation that you mentioned—the automation of the fingerprinting processing system, for example?

Mr. WEBSTER. I'd be glad to attempt to do that, Mr. Chairman. And if there are any specific data available, projected data, I will supply that for the record.

In the Identification Division we have, as you know, the Nation's principal repository of fingerprint cards and data with respect to prior arrest records of those from whom those cards were obtained. We have taken a number of steps to purge our cards, which are largely indexed with the old manual card system. I have forgotten how many million cards we took out, of people over the age of 80, because presumably their crime experience is substantially diminished.

We have taken other steps to address the manual activity, but the number of cards coming in continues to increase, and our ability to handle it is simply not state of the art or close to it. We have been engaged for several years in developing effective automated systems and have been in the process of computerizing all fingerprint cards since 1980. We are now also in the process of going back and computerizing the cards that predate 1980.

With optical scanning we have the capability of retrieving cards according to certain characteristics entered in the computer. All of the indexing is now computerized. We are working toward a point in time when with the utilization of laser and its capability we can take advantage of latent fingerprints to search our files in situations where at the present time we require a full 10-point card classification in order to find a latent fingerprint or at least a range of suspects. That is my long-term goal.

The immediate expenditure would assure us of our ability to make a rapid and an accurate search in response to cards being furnished to us. There are times when we simply miss. I'd say maybe 25 percent of the time the manual search may fail to produce something that was in our file. The computer does not allow for that kind of error, and it speeds the process.

It is difficult for me to answer your precise question in terms of dollar savings. We have a manpower problem for those support personnel who operate in a very loyal way these card indices. That is a low skill, low GS level responsibility. And 4 or 5 years ago we were experiencing a 30-percent turnover in personnel each year, as people in that category either sought to go back to school to learn how to make more money than they were making at that level or became homesick and returned. We have cut that turnaround to about 12 percent, between 12 and 15 percent at any given time. I hope we can keep it there.

Assistant Director Nick Stames deserves enormous credit; in fact, he received the Upward Mobility Award from the Attorney General 2 weeks ago for the Department of Justice.

But nonetheless, we are dealing with people who have to be given security clearances at a cost of $2,000 to $3,000 per employee before they can have access to this kind of material. And with that kind of turnover, we have built-in costs that will be substantially reduced when the system is fully automated. I can't tell you that we will eliminate the needs for employees, because as the computer bank grows, we have ongoing need for employees to man the equipment and to deal with an expanded file.

I would hope we would see substantial reductions in costs, and most assuredly very substantial increases in accuracy and speed.

Senator DENTON. Thank you.

I recall from my previous briefings at the Bureau that this is a particularly cumbersome disadvantage to you. I certainly hope it is alleviated.

Mr. WEBSTER. Our budget reflects that the 1984 budget will show a decrease in Identification Division employees by 145 attributable to automation in that year.

Senator DENTON. You are requesting $107,552,000 above appropriated levels for 1983 and you indicate that this represents a program increase of 461 positions.

Could you tell me how many of these positions are line positions and how many are technical support and administration?

Mr. WEBSTER. Let's see. For 1984—if the chairman will bear with me, because in our figures we have the classified counterintelligence figures, but if I could perhaps give you some general totals.

Was the question directed to the increase—or was the question directed to the split between headquarters and field?

Senator DENTON. How many of these positions are line and how many are technical support and administration?

Mr. WEBSTER. Oh, technical support, OK. There would be 446 position increases in investigative support, investigative programs——

Senator DENTON. There was a 461 total position increase.

Mr. WEBSTER. ADP, which I believe it would fall within your category of support positions. And voice privacy would reflect 160 additional positions.

Senator DENTON. I don't want to rush you on that; I realize it is hard to take it out of the files. So if you will just provide an answer in writing.

Mr. WEBSTER. Very well, Mr. Chairman.

Senator DENTON. What would be your total on-board agent staff at this time, absent an increase?

Mr. WEBSTER. The staffing for 1982, that starts with 1982, would be 7,906 agents, 11,080 support, or 18,986. The anticipated appropriations for 1983 would produce 7,938 agents, 10,972 support, or 18,910 total. For 1984, we are requesting 8,175 agents, 11,263 support, for a total of 19,438.

Senator DENTON. Thank you, sir.

I will be asking you a number of questions about your plans regarding increases in positions and so forth relating to your new terrorism priority which you have mentioned. The potential for terrorism, as you and I are both aware, is extremely high in this open society of ours. How many of the new positions would be used to staff areas relating to your new terrorism priority?

Mr. WEBSTER. The international terrorist figures, Mr. Chairman, as you know, are classified under our foreign counterintelligence budget. The only increase for domestic terrorist investigations is in the hostage rescue team program, which calls for 15 agents and 5 support personnel.

Senator DENTON. Thank you, sir.

Last year you stated there was a "noticeable tendency for the [terrorist] acts in 1981 to be more violent in relation to risk of human life, more purposeful in that direction" and that you saw "an upping of the ante in terms of the degree of violence directed at human life."

How would you compare the types and impact of terrorist incidents in 1982 with those of 1981? Is the trend you described last year continuing, in your opinion?

Mr. WEBSTER. Yes. I would say, Mr. Chairman, that this is an extension of the trend that I described to you the last time. We had this year ended up with a substantial number of people injured and significantly more numbers of people killed.

We had seven people killed in terrorist incidents for one reason or another in 1982, compared with one in 1981. We had 26 people injured, the figure varies, 26 or 27, but 26 according to the chart, compared with 4 in 1981.

Senator DENTON. Do you consider that increase significant; and, if so, would you assess it?

Mr. WEBSTER. I think I would draw the same conclusion that I drew last year, that we are seeing, although relatively small numbers, we are seeing purposeful injuries to human beings within the United States, and we have clear acts of assassination and the types of terrorist activities which are likely to lead to injuries of individuals as well as to destruction of property.

Senator DENTON. Whatever the reason or intent, I would think the attempt on the Pope's life, for example, would indicate that worldwide there is no letup in the trend to escalate terrorism for pretty high stakes, especially if there is anything in the suspicion that the Polish situation had something to do with the effort on the Pope.

You also mentioned the Freedom of Information Act. Would you give the subcommittee the Bureau's current recommendation as to amendments which would enhance your ability to perform your mission?

For example, would you want a total exemption in the areas of terrorism, foreign counterintelligence and/or organized crime, or what?

Mr. **Webster**. Well, my original proposals, some of which were adopted by the Senate subcommittee considering them, would have given us, in addition to a very poor amendment that would permit us to hold information which could reasonably be expected to lead to the identification of an informant, would also have given us a blanket exemption on investigations related to organized crime, foreign counterintelligence, and terrorism.

The committee, the Senate committee approved a package which would have given us the first and very important modification, which would have relieved us of the burden of making a determination that a particular word or phrase would identify an informant if it could reasonably be expected to lead to that identification. We are very pleased to have that.

The Senate also gave us an exemption, an 8-year exemption, for organized crime investigations. It did not give us exemptions for terrorism or for foreign counterintelligence. The foreign counterintelligence area is largely protected by another exemption, the exemption for classified material. The terrorist exemption would have been most helpful to us in nonclassified domestic terrorist activity which could not be protected under ongoing investigations.

I think the difficulty of the subcommittee there was that they did not think they could define terrorism to everyone's satisfaction. But I continue to wish that we had such an exemption.

Senator **Denton**. On page 2 of your statement, you referred to a second circuit decision. In light of this ruling handed down last week, reversing the 1981 RICO—racketeer influenced and corrupt organizations—conviction of four Croatians in which it was held the RICO statute is not applicable to political as opposed to mercenary acts, do you now think it appropriate for the Congress to enact a legislative scheme to more adequately deal with terrorism by creating an offense of terrorism?

Mr. **Webster**. If we could define within the RICO statute an offense which did not require a mercenary purpose, I think that would be very useful. That was the line which the court of appeals drew in the terrorist case. Some of our cases where we have had extortions by terrorist groups who were members of their own ethnic group, but not members of the terrorist society, in aid of their political causes, would probably still succeed under the statute as it is now drawn, but where there isn't any money involved.

The court of appeals in the second circuit is of the opinion that the statute wasn't broad enough to reach it. It didn't suggest that it was inappropriate to include it; it just said legislatively it was not broad enough to reach it. And Congress could certainly clarify its intention in that regard.

Senator DENTON. This report—FBI Analysis of Terrorist Incidents in the United States, 1982, defines terrorism differently from the definition which the Bureau has used in the past. In fact, I am sure you note, as I do, that terrorism is defined differently depending on which nation or which group within a nation is defining it. You defined it here as "the unlawful use of force or violence against persons or property to intimidate or force a government, the civilian population, or any segment thereof in furtherance of political or social objectives."

The word "social" is new to me in this context although I understand its normal meaning. Now, when we talk about RICO, the word "mercenary" is, I suppose, almost equivalent to the word "economic." I imagine that certain strikes which go beyond a normal demonstration or picket line, but involve violence, such as we see taking place right now in the trucking industry, might be an example of terrorism in furtherance of mercenary or economic objectives.

Mr. WEBSTER. That is part of the problem.

Senator DENTON. Yes, I can see the dilemma.

Mr. WEBSTER. I think that this ought to be explored by the Congress, and the Department will be requested to make some suggestions to Congress in furtherance of this effort. And this is a problem we always face, Mr. Chairman, when we talk about terrorism.

When we used to talk about it in terms of domestic security, it was even more difficult than when we talk about it in terms of terrorism, because these are terrorist activities. But there seems to be more willingness to discuss it at all. We were having trouble getting people to even talk about it. But still there is a concern that we might somehow turn that power loose against legitimate exercises of first amendment rights.

I am confident that that language can be clear enough that we can define a type of unlawful activity—the activity would have to be unlawful—the type of unlawful activity that would authorize us to invoke the RICO statute for the purposes of investigation and prosecution.

Senator DENTON. Did you have this same definition last year; did you have the word "social" in there?

Mr. WEBSTER. I think you are correct; and I don't think social objectives were in there previously. An example would be the—by the definitions that we use—would be the incident at the Washington Monument. Do we consider that demands to stop nuclear development, is that political? Clearly, the individual involved had no political base, no political ideology; he didn't think we ought to be doing it. But he nevertheless took the whole country hostage for several hours while he espoused his social purpose.

Senator DENTON. So far I have managed to avoid the trap of labeling such incidents during or immediately after the event.

But the potential for terrorism in this country is frightening, so the subcommittee continues to look not only at the Bureau's ability to deal with it after it has occurred but also its ability to correctly and adequately identify the terrorist threat and interdict it before it is brought to fruition. Due to the FBI's crucial role in this area, its definition of terrorism, therefore, becomes extremely important, and we follow with care the way you define it.

It's my understanding, and you have stated in your opening statement, that, beginning with fiscal year 1983, terrorism was added to the three previous priority 1 programs to form the new top-ranked national priority programs category which now is comprised of foreign intelligence, organized crime, terrorism, and white-collar crime.

Would you explain what precipitated the elevation of terrorism to a top-ranked priority program within the Bureau from the priority 3 category in which it was located previously; second, what changes have occurred within the Bureau to reflect that elevation in priority, for instance, in the areas of resource allocation, manpower, reassignments and/or training?

Before you answer, I want to welcome my distinguished colleague from Vermont, Senator Leahy, to the hearing this morning. I will afford you, Senator, at any time—including right now—the opportunity to make your opening statement or any remarks. I have just asked the Director a question.

Mr. **Leahy**. Please continue, Mr. Chairman.

Mr. **Webster**. Mr. Chairman, my formulation for the past 5 years, in response to the question of the priority for terrorism, which was then called domestic security originally, was that it was in the third rank of—third tier of investigative priorities, with no subranking within that category simply because of the small amount of resources required to manage it, as was the case in civil rights investigations. Both of these consumed less than 3 percent of our resources.

But I always coupled it with the statement that whenever there was a terrorist incident in the United States, or whenever there was a civil rights investigation, major civil rights incident, it became the most important thing we were doing. I have repeated that from time to time, but I have—I came to the conclusion that this was really not sufficiently persuasive or at least an understandable position for those who believe, as I do, that a terrorist incident or activity which could result in a terrorist incident is of major importance to the national security.

So we elevated it to make clear on the record that we viewed it as a matter of very significant importance, even though it was not requiring a substantial amount of our resources to manage.

There has been, in each succeeding year from 1980, an increase in the aggregate effort expended by the FBI to deal with both domestic and international terrorist activities inside the United States. I have supported and increased the development of our analytical capability beyond anything that existed in 1978, and that has represented an increase of resources directed to a greater understanding of organizations and groups engaging in prescribed activity or planning to engage in prescribed activity. This has resulted in an increase in efforts.

I am not able in open sessions to break out for you the increases, most of which are in the international terrorist grouping and are managed under our classified portions of our budget. But I will be glad to see that those figures are supplied to you in the subsequent closed sessions.

That's where we come down. We are expending more resources, but also we are making clear the importance that we place upon an accurate management of this activity and to reflect the increased analytical effort taking place in the Bureau to deal with it, as well as the increased investigative effort.

Senator **Denton**. If my colleague from Vermont would approve, I would like to go ahead with one more question in this line of questioning, and then turn it over to him for questioning.

Last year, you replied to a question I submitted after the hearing that the Bureau had no program to monitor and read publications of suspected terrrorist, violent or subversive groups, but that the Bureau had the matter under review to determine whether any change in the current practice was warranted.

The thrust of my question deals with the ability of the Bureau to monitor and track publications which you might not now be tracking but which, were they and their contents known to you, could assist the FBI in stopping terrorist events before the fact.

What were your conclusions after the review into the matter determining whether any change in current practice is warranted respecting monitoring and reading publications of suspected terrorist, violent, or subversive groups?

Mr. **Webster**. Mr. Chairman, the main difficulty that we have had in that area has been the statutes which prescribe the indexing of materials not pertinent to ongoing investigation. Now, of course, if we are investigating or conducting even a preliminary investigation, we have a right to inform ourselves from the public source material and other sources to which we can lawfully come into possession of what the nature of the activity might be. I can say, and would ask not to be asked to particularize at this point because the guidelines have not been approved yet by the Attorney General. But insofar as we can function in that area to improve our capability, those portions of the previous guidelines which might inhibit that activity have been modified in the proposed revisions of the guidelines to permit us to carry out lawful activity.

Obviously, we can't amend the statutes that preclude our indexing on pertinent material. But insofar as the guidelines can be modified to permit us to take accurate readings on people that we could legitimately investigate, that is addressed in the proposed revisions.

Senator **Denton**. Senator Leahy, would you care to ask questions?

Senator **Leahy**. Yes. Thank you.

Mr. Webster, last week we had hearings on organized crime that Senator Thurmond and Senator Biden set up. And the Attorney General testified about the amendment to the Freedom of Information Act which our committee had agreed to toward the end of the last Congress. He said: "They did not go far enough." And I took that to mean he was disappointed that the Judiciary Committee did not adopt all the recommendations put forth by the Department of Justice. Because of the time constraints that day, I did not have a chance to go into it a little bit further with him.

I would just like to note for the record and for the Department that I was disappointed to hear that because, if that is so, I think it is an attitude that might jeopardize our ability to provide relief to the FBI. I have stated numerous times that I want to do so, because there are some areas where you have demonstrated a need for relief, and that's something that we worked for very strongly last year. You were involved personally in that as was I, having spent more time on that than anything else I did last year.

Let me just cover a couple of points.

The administration's proposal in the last Congress proposed two new exemptions. It created a new exemption for an open investigatory file. This open file provision which was contained in the 1966 act was what led Congress to amend the law enforcement exemption in 1974.

The administration's proposal, of course, as it was drafted, applied not only to FBI files, but also investigations of product and drug safety, such as the Pinto gas tank, the Firestone 500 tires, the Pertussis vaccine, the dangers of which all came into public view because of FOIA requests. And I think, although I have to admit I am not sure, that that proposal was sufficiently denigrated in the last Congress that it is not going to be proposed again.

Now, the other thing the administration sought was a blanket exemption for files concerning organized crime, terrorism, and foreign counterintelligence. And when I took a hard look at that new exemption, I discovered that it was not only overbroad, but it really didn't solve most of the problems that the FBI stated it had as a result of FOIA. The basic case you have been making—and I happen to agree with the case—is that a sophisticated user could ferret out information about FBI investigations simply by making certain types of requests to which the FBI was required to respond that they had records but they were exempt.

I'm not going to go into the details of the techniques involved, but I just point out that creating a new exemption simply by itself does not solve the problem.

In addition, foreign counterintelligence was included in the law enforcement exemptions, which potentially had the effect of narrowing the exempt status which these documents already receive under the national security exemption. There was literally months of work. Senator Hatch and I after all that time agreed to a number of changes. These are very carefully crafted to get the agreement of both of us. They are aimed at problems for which the FBI had made a case.

Let me just cover them—and I realize it is going on overly long, but it will set the basis for my questions. I think they made a positive contribution to the needs of the Government and the public in the handling of law enforcement records under FOIA, protection of informants' identities is strengthened under the proposals we made.

An 8-year moratorium is created for records relating to investigations of organized crime, and that's an area where, quite frankly, I think a moratorium is appropriate. FBI training manuals will have added protection, again I think something that is appropriate. And the agency will have expanded time limits in which to meet FOIA requests, something I am quite sure you need.

And the agency would be able to protect from disclosure the fact that it has certain documents in its possession where the very fact would jeopardize an informant. Not only is that going to be good for the safety of your informants, but it is going to give peace of mind to a group of people who probably don't have an overabundance of peace of mind to begin with.

I think these changes are going to make the work of the FBI easier and more secure. And I support these changes; I supported them last year. I fought for them and I will fight for them again this year. But I will fight just as hard for the public's right to know where law enforcement is not seriously jeopardized. I hope you and the others in the Department of Justice will be able to support the compromise Senator Hatch and I have worked out. I would strongly advise—strongly advise—you not to seek additional exemptions because we had the devil's own time in carving out the agreements that we did. I would urge you not to seek additional exemptions which the Bureau does not need, and which would harm the public interest.

With that in mind, let me ask these questions.

Is the Bureau's authority to carry out lawful foreign counterintelligence investigations limited to investigations of whether laws have been violated?

Mr. **Webster**. No, Senator, it is not. Under our foreign counterintelligence guidelines, we are entitled to use a standard which does not implicate specific criminal statutes but which in the main will implicate them because the statutes are quite broad against conducting espionage activity in the United States.

Senator **Leahy**. Does the current FOIA case law support the Bureau's right to classify the existence of a document in the foreign counterintelligence area, and therefore when faced with the request of that document neither confirm nor deny the existence of the document? I speak of the case law.

Mr. **Webster**. Yes. I may have to correct my answer to this one, but in the main, all of our foreign counterintelligence investigative activities are protected by the classification exemptions.

And as to the second half of your question, we have had some difficulty on the criminal side in responding to questions where the purpose of the Freedom of Information Act request is to determine if we have an interest in that particular person. And we have been looking for a lawful formulation which, as I understand, was included in the Senate package, and that we did not previously have.

As to foreign counterintelligence, I think the answer must be that we are still troubled by what we must say. If we assert the classification exemption, we may be answering the question, yes, we are investigating that particular activity. I'd like to study that a little further, and if I need to correct the answer, I will do so.

Senator **Leahy**. Thank you.

I wonder in that regard if your counsel is checking into it, they might like to check with my office, and I could perhaps phrase the question with more specificity. It might make it easier on you.

Mr. **Webster**. Thank you.

Senator **Leahy**. In the terrorism area, do you distinguish between domestic groups and groups which are of foreign origin or foreign control?

Mr. **Webster**. Yes, we do. We distinguish between those who are acting, that is under our foreign counterintelligence guidelines we follow those who are agents of a foreign power or who are engaging in terrorist activity which transcends national boundaries. And so if we are talking about a group that is operating on an international basis, those activities in the United States can be investigated under our foreign counterintelligence guidelines.

Senator **Leahy**. So foreign groups would be investigated under foreign intelligence and foreign counterintelligence authority?

Mr. **Webster**. I think so, if I understand your question; yes, sir.

Senator **Leahy**. Let me ask one last area, if I might. On December 9 of last year, the HPSCI, House Permanent Select Committee on Intelligence, released a declassified record of hearings last summer on the subject of Soviet active measures. A couple of comments of the chairman that I would like to note.

First, he said that—

> The materials released today again demonstrate what we have known for a long time, that the Soviet Union utilizes considerable amounts of time, money and manpower attempting both covertly and overtly to influence individuals or organizations and events in the United States and around the world—

Something that I think every one of us is well aware of.

But second, he concluded:

> On the basis of my own review of the materials submitted by the FBI, it is my personal assessment that Soviet agents have had no significant influence on the nuclear freeze movement. The bottom line is that the hearings provide no evidence that the Soviets direct, manage, or manipulate the nuclear freeze movement.

Judge Webster, is that your own personal assessment?

Mr. **Webster**. Senator Leahy, would you mind reading the last sentence to me again? I want to be sure I have it.

Senator **Leahy**. Certainly. Let me read the last two:

> On the basis of my own review of the material submitted by the FBI, it is my personal assessment that Soviet agents have had no significant influence on the nuclear freeze movement. The bottom line is that the hearings provide no evidence that Soviets direct, manage, or manipulate the nuclear freeze movement.

Mr. **Webster**. Senator Leahy, I would like to respond to that now. And I have an opinion based upon the facts developed to date. But I believe it would be more appropriate if that answer could be given in this scheduled closed session hearing of this committee.

Senator **Leahy**. Could I suggest this, that if we do that in closed session—certainly that is perfectly appropriate for you to request—I will have a series of questions on that subject. I would ask if you would note at the time of the closed hearings which materials might be made public. One of the things I'd like to go into in closed session is a statement last year by Mr. O'Malley, the Assistant Director of Intelligence for the Bureau, who said that Soviet front groups were "actively involved in the planning and implementation of the June 12 demonstration in New York," which attracted at least half a million people.

Then he goes on to suggest that the reason the Soviet active measures have not had a significant impact here is that most Americans involved in leadership roles in the peace movement know who the Russian spokesmen are and know what their agenda is.

For example, if a representative of the Soviet Embassy appears at the gathering and speaks, I assume everybody realizes the propaganda potential in that, whether or not the person is a member of the KGB. I think most people assume that a large percentage of people within the Soviet Embassy or the various Soviet Missions around the country are KGB members.

But it is not going to be true of Soviet agents who are acting covertly within the pay of the Soviet Union. So I will have a series of questions on that for the closed-door meeting. I'd be happy to go over those questions with you or your representative in advance of that meeting.

Mr. **Webster**. I would be glad to do that and see that it is done, Senator Leahy. And I think that I can tell you—and that is one of the reasons for my being cautious about answers of this kind in open session—the FBI has never suggested and does not now suggest that because the interests of the Soviet Union might cause it to seek to further certain political goals or social objectives in the United States that the organizations involved, ipso facto, become tainted, or the individuals who espouse similar goals independently arrived at are being manipulated, ipso facto, by reason of a parallel interest of the Soviets in furthering through propaganda and other means that same outcome.

Senator **Leahy**. And I am speaking, of course, about the freeze movement in the United States. What you are saying in effect is that if we were to sign a treaty with the Soviet Union and the Soviet Union lobbies heavily through their apparently known organizations in this country for the ratification of that treaty and at the same time the President of the United States is arguing, lobbying in the Senate for the ratification of that treaty, that the President has not become a dupe or a hand maiden of the Soviet agents.

Mr. **Webster**. That is correct. I think that the quantum of effort, the nature of the effort, and whether that effort is in any sense corrupting of officials or organizations all become a matter of legitimate interest. But I think that we can best discuss that with you in terms of our investigative findings in closed session.

Senator **Leahy**. Thank you.

Thank you, Mr. Chairman.

Senator **Denton**. Thank you, Senator Leahy.

On the same subject, without dealing in classified matters, I would like to give my own opinion about Congressman Boland's statement and the difficulty, even in closed session, of ascertaining the degree of influence of the Soviet effort. I think you can prove, and it has been proven, the tremendous involvement of Soviet agents and propaganda, the intent to foment, support, and agitate toward a nuclear freeze.

The Soviet involvement can be established by unclassified sources. Certainly under Mr. Andropov, when he was head of the KBG, it is established that the Western peace movement and the nuclear freeze, in particular, were top priority active measures, part of the Soviet Union's foreign policy as practiced and augmented by the KGB.

It would be very difficult and take a great deal of time to assess or make an attempt to assess the degree of that influence. However, once it is established that the Soviet effort is "parallel," a word used by the Director, then, to me, it is academic.

I am not now trying, and nor was I on the big night on the Senate floor, trying to make the point that Americans have been totally subverted. I was trying to establish that the Soviet Union is extremely enthusiastic about the same objective; that the President of the United States and seven previous Presidents were interested, as a top priority, in keeping deterrence; and that this President and past Presidents do not believe that a freeze, a nuclear freeze in the present situation, would support or preserve deterrence. In 1986, we will be in a position, if we just stay in the same trend without freezing. Also, I don't know how we are going to get a verified freeze with the Soviet Union by saying we are going to propose a freeze, since there is nothing to indicate that it could be verifiable.

But if we continue to 1986, we will have a situation which both left and right think tanks agree would permit the Soviets to knock out 80 percent of our land-base missilery, while we could knock out 20 percent of theirs, at which point we would have to adopt either MAD population retaliatory deterrence, which we find more questionable, or a position of launch on warning, which is unstable.

The Soviets need to agree to not only a freeze but to a reduction in nuclear weapons by both sides. The freeze could last for a short time while we are getting verification teams in place.

But the only thing that is going to lead the Soviet Union to the conclusion that they should reduce their nuclear arms down to a point where neither side, United States or Soviet Union, need fear first strike from the other is to assure them that we are determined to preserve our own deterrence, no matter how much they try to eliminate it. And that is achieved by anteing up that which is necessary for our security, which is the first responsibility of Government.

So there is another side to the argument. I wanted to say that much as a personal opinion on this very important subject.

There is an article here from the Daily World, Tuesday, January 4, 1983. This is the Communist Party U.S.A. newspaper. The headline of the article is, "I Plead Guilty," and it is by a man named Bruce Kimmel.

He says:

> I confess.
>
> As a representative of the Communist Party USA on the June 12 Coalition, I am in a position to say that the House Select Committee on Intelligence and The Wall Street Journal are correct: the Communist Party has played and continues to play an active role in the U.S. peace movement.

He goes on to conclude with:

> Right now, party members are active in literally hundreds of local peace organizations. The Communist Party USA—like Communist Parties around the world—has always been and will continue to be an active fighter in the struggle for peace. We confess.

I will make the article available to my distinguished colleagues, and I will, with your consent, place it in the record of this hearing. I believe that it answers a lot of the questions, but again it does not prove the degree of influence. It only sets out the stated intent of the Communist Party and their stated admission that they are heavily involved in playing an active role in the U.S peace movement and the nuclear freeze effort.

[Newspaper article follows:]

[From the Daily World, Jan. 4, 1983]

I PLEAD GUILTY

(By Bruce Kimmel)

I confess.

As the representative of the Communist Party USA on the June 12 Coalition, I am in a position to say that the House Select Committee on Intelligence and the Wall Street Journal are correct: the Communist Party has played and continues to play an active role in the U.S. peace movement.

President Reagan's absurd charge that the U.S. peace movement is essentially a Soviet front forced the House Select Committee on Intelligence to hold hearings on the matter. The committee issued a report in early December, called "Soviet Active Measures," which, among other things, notes that the Communist Party USA was actively involved in the historic June 12 demonstration. The report concludes that there is no evidence that the Soviet Union manipulated the coalition that organized the action.

This conclusion did not sit well with the Wall Street Journal. Anxious to aid Reagan's effort to generate another Cold War, the paper editorialized (Dec. 20) that the House report was seriously flawed because it did not recognize how alleged Soviet fronts, such as the Communist Party, "have been successful in shifting attention away from the Soviet Union's massive military buildup and toward the Reagan Administration's defense programs."

To prove this charge, The WSJ points out that there were no anti-Soviet signs, banners or chants at the June 12 demonstration. True enough. But what is interesting is that there were no rules prohibiting such signs, banners or chants. Organizations were free to use whatever slogans they wanted. The WSJ seems to be saying that the thousands of organizations which marched on June 12 were dupes of the Soviet Union.

But I must confess that I was among those who tried to get the June 12 Coalition to focus its demand on the Reagan Administration. I argued at a number of meetings that the military buildup of the Reagan Administration was bringing the world dangerously close to a nuclear holocaust.

Like others, I based my argument on the fact that the Soviet Union had endorsed the nuclear freeze, signed SALT II, called for a comprehensive test ban treaty, pledged not to be the first country to use nuclear weapons in a conflict, and urged the creation of nuclear free zones in different parts of the world, including Central Europe. I naturally pointed out that the Reagan Administration had not endorsed any of these disarmament proposals.

The Wall Street Journal assumes that only Communists or those manipulated by Communists would want to focus on the Reagan Administration. Actually, the decision of the June 12 coalition to focus on Reagan was determined at a two-day meeting at the end of last January. A resolution was adopted by several hundred national organizations which in essence said:

"While it is the responsibility of all governments to end the arms race, as residents of the U.S. it is our responsibility to alter the policies of the Reagan Administration." Although this remained the official position of the June 12 coalition, participating organizations were allowed to project whatever political demands they wanted.

The WSJ refuses to face the fact that peace activists in this country are scared out of their wits by the policies of their government and are working to change those policies. Rather than deal honestly with this uncomfortable fact, the WSJ attributes this sentiment to Communist manipulation and the naivete of U.S. peace activist, who are accused of working unwittingly in the interests of the Soviet Union.

This brings us to another WSJ charge: Communists in the peace movement are serving the interests of the Soviet Union.

Again I must confess. My Party's peace activities have indeed served the interests of the Soviet people—because their desire for peace is identical to that of the U.S. people. This is a strange charge. Is the WSJ suggesting that the Communist Party should be against peace because the Soviet Union is for peace?

Communist Party members are playing important roles in the peace movement. They argue among peace activists that the Reagan Administration, not the Soviet Union, threatens the survival of humanity. And they work in the interests of the Soviet Union by struggling for peace.

Also, Communists work to make the peace movement as broad as possible. They try to make sure it reflects the working class, multi-racial and multi-national character of the population. This may not serve the interests of the Reagan Administration, but it certainly serves the interests of the U.S. people.

Right now, Party members are active in literally hundreds of local peace organizations. The Communist Party USA—like Communist Parties around the world—has always been and will continue to be an active fighter in the struggle for peace. We confess.

Senator **Leahy**. I hope they don't draw any corollary to the fact that Archbishop Bernadine, one of the strong supporters of this whole proposal, is getting a red hat this morning in Rome from Pope John Paul II. I hope they will realize that that reflects a tradition that preexists the Soviet Union.

I also would hope that nobody would be critical of President Reagan for proposing well beyond a freeze; that is, a substantial reduction in the number of nuclear weapons on both sides, something in which I happen to concur, and I have told him on a number of occasions I support.

I wonder, Mr. Chairman, if I might go to another matter which tends to follow up on a couple of questions at the earlier hearing with Judge Webster.

Senator **Denton**. Certainly, Senator Leahy. But you do understand that I am in favor of nuclear arms reductions on both sides——

Senator **Leahy**. I heard that. And I also stated on a number of occasions I agree with you on that.

Senator **Denton**. All right, sir. Fine.

We are only in disagreement about the means.

Senator **Leahy**. I understand.

Senator **Denton**. Yes, sir.

Go ahead with your question.

Senator **Leahy**. Last week when the Attorney General appeared, he discussed the exclusionary rule. He said it is one of the key barriers in the fight against organized crime.

Let me ask you this, Judge Webster. You know I have a great deal of respect for the FBI and for their training and for their discipline and for the organization itself. I also have an enormous amount of respect for what you have accomplished in just a very short time with that organization. If the exclusionary rule was not in place, would the training of the FBI be any less rigid? Would the discipline be any less significant?

Mr. **Webster**. I would certainly hope not, Senator Leahy. The prospect of a criminal going free because of some form of lapse or failure or omission or commission by an investigative agency is such that we try very hard to assure that our agents know the rules as best we can understand them and are prepared to carry them out. That is not always an easy task.

The rules of search and seizure that have been given to us today are anything but clear to perfection. And many choices have to be made on split-second decisions. But nonetheless, we do our best to train our agents to understand what that law is.

There is an ongoing legal educational program, not only at Quantico, but also in each of our 59 field divisions, a minimum of 16 hours for each agent in the FBI per year.

In addition to that, I make it a point to send out in a teletype any change in the law of a particular circuit. We have been going through that with respect to searches of third-party homes on the west coast in the ninth circuit just recently so that the agents there not be left uninformed about new changes in the rules, because we do not want to have that evidence excluded in a courtroom because of our failure to conform promptly and completely with the law.

I suppose the question comes down to what is the impact of the exclusionary rules on our efforts. We do not want under any circumstances to have our conduct be responsible for guilty people escaping our criminal justice system. And I also make it a point to have presented to me on a quarterly basis from our legal counsel division a list obtained from the field of every instance in which evidence was suppressed by reason of conduct of the agents or the prosecutors or a combination of both. And I study those very carefully and see that the field is made aware of those instances so that we can see whether or not our track record is a good one.

And I am very pleased to say that the track record of the FBI has been, I think, extraordinarily good in terms of these issues which are presented in the court as a grounds for withholding evidence or excluding evidence during a criminal trial. From time to time we find deficiencies in a search warrant or arrest warrant or some other type of conduct that causes a particular trial judge to exercise his right to exclude evidence. But the numbers are quite small and I am really very pleased about that.

Senator LEAHY. Do you feel, as I do, that in the last 20 years, 15, 20 years, there has been a substantial improvement in the training of law enforcement—I don't mean just the FBI, but law enforcement around the country.

Mr. WEBSTER. Beyond any question, Senator Leahy.

Senator LEAHY. Do you feel that the exclusionary rule may have been one of the factors in this regard?

Mr. WEBSTER. Yes. I suppose I would have to say that the prospect of having evidence excluded has been a stimulus to having law enforcement officers trained more carefully in their duties. The flip side of that is that the prospect of having guilty people go free because of some minor technicality has had a severe adverse effect on morale within the law enforcement community, and I think has confused and diminished public respect for the judicial system. So there are two sides to it.

And I think the answer, in my view, is in the dissent of the Chief Justice in the *Bivens* case, which decries the mechanical application of this rule.

Senator LEAHY. But you have found that there have been very few cases that have been affected by the exclusionary rule in the past, since you have been reviewing these cases?

Mr. WEBSTER. Yes. The actual numbers—now, what I get in terms of instances given to me are cases in which the issue is raised on motion and ruled adversely against the government. And these are quite a few in number.

What I don't get are the instances in which a prosecutor declined prosecution because he said there is a bad search here and we cannot use the evidence. I don't have those figures.

I think the problem is much greater in the State courts, not because the State investigators or police are less well trained, but rather because they are dealing on the street with street situations that call for quick decisions that are sometimes made badly, and there are more opportunities in States crimes for the search-and-seizure issues to come up than in the overall range of FBI investigations.

Senator LEAHY. With regard to changing the exclusionary rule, you are not proposing that we be in a position where simply pure motivation will protect law enforcement—I mean I don't want to see us in a position where the law rewards a pure heart and an empty mind—do not show me the law books at all; I just will go on my basic purity of nature; you are not in any way suggesting that, are you?

Mr. WEBSTER. Well, I do not think that I—I hope that that is not the effect of the proposed legislation. And I don't know whether you can make a reasonable analogy between this type of problem and the kinds of problems that the courts have attempted to resolve on liability issues involving first amendment, which is another important constitutional right with respect to libelous or slanderous statements that were made and the circumstances under which those cases are actual and those in which they are protected based upon, at least to some extent, the reasonable good-faith belief of the person making the statement.

So I think there has got to be a rationale or reasonable position and not what you call the empty basket approach.

Senator LEAHY. Thank you very much.

Thank you, Mr. Chairman.

Senator DENTON. Thank you, Senator Leahy. I want to recognize and welcome my distinguished colleague from North Carolina, Senator John East, and afford him an opportunity at this time to make any comments or ask any questions.

Senator EAST. Thank you, Mr. Chairman. I appreciate the opportunity to be here and certainly welcome the Director as always.

I regret that I was running a little late this morning, and if I am repeating anything that has already been covered, I am sure the chairman will interrupt me and indicate that we need not retrace ground that has already been covered.

Has the point about the guidelines been clarified? As I understand it, Judge Webster, the Justice Department will release in the near future some sort of revised guidelines. And unless that has already been done, I would appreciate your just updating us all on that.

Mr. WEBSTER. And I appreciate the Senator's concern about it, beacause I did express the optimistic view the last time I was here that it was just a matter of weeks. And so I do want to reassure you that the Department has been developing guidelines, the Attorney General has reviewed them, and the guidelines seem to me to be in a very good posture for his approval if he is willing to do so at this time based on thorough review and consensus within the Department and the FBI.

There have apparently been other consultations between the Department and the White House, and it is my understanding that the span of time does not reflect either uncertainty or division. And I ask that the Department communicate with the Senator—with the Chair—so that he can be assured that I was not again going to represent to you that the guidelines would be forthcoming on my own.

And it is my understanding that the chairman has received a communication that the guidelines will be available very shortly.

Senator **East**. That is from the Justice Department? So it is then out of the Director's hands and into the Attorney General's hands; so we will just wait on that.

The second point that you raise again—and it looks to me like we have reached a point where I would hope that the Congress would take some action on it—is this Federal Tort Claims Act. It occurs to me, Mr. Chairman, that everyone we have had testify here in our hearing in regard to things that would be very useful to the FBI in carrying out its very important mission has emphasized this change in the Federal Tort Claims Act. And I gather the fact that you raise it again, you obviously have not changed your thinking on it. And it is regrettable, I suppose, that the Congress has not taken any sort of definitive initiative or action on that.

Mr. **Webster**. Senator East, I continue to believe that, from a purely FBI point of view, it is the most important piece of legislation that we have urged you to consider because it carries with it the assurance to brave men and women that they carry out their responsibilities and exercise their full authority; that their family savings are not going to be tied up in endless litigation. It also protects the potential victim of an excessive act by a Federal agent by providing a solvent defendant, the U.S. Government, to assure monetary damages.

There are ample means to discipline and punish those who exceed their authority, both administratively and under the criminal statutes. But to expose individual agents, who are not wealthy, to that kind of harassment over a period of years simply means that we cannot expect that they will welcome the opportunity to go to the front edge of their authority in difficult and dangerous situations.

I may have used the analogy the last time I was here, but the pilot in the airline in the war always banked a few extra gallons, 500 gallons—they used to say—these are mine; that discussion, that margin. And we see that; we see a reluctance to open series 100 and 100 series of domestic security type investigation, call it a bank robbery, call it anything else, rather than get us into something that may cause us to be sued. And you can hardly blame an agent for having that concern based upon the history of law suits that have been brought against agents for doing their duty as they saw it.

So I think that's an important piece of legislation. And it's important to the morale of the Bureau and to other law enforcement agencies, and it does not take away any of the means that we have to enforce compliance with the rule of law by all of our law enforcement officers.

Senator **East**. If you could just state concisely for the record, what is the problem under the law from an individual agent's standpoint, I mean, what it is that——

Mr. **Webster**. Because he——

Senator EAST. Excuse me. Just state that. And then, second, what precisely would you recommend to be amended in order to eliminate that evil?

Mr. WEBSTER. The law now permits individuals to sue agents in their individual capacity under allegations that the agents have violated the constitutional rights or have committed a constitutional tort against the plaintiff. My proposed alternative to that—and this is in general support of the packages that have come up repeatedly—would be simply to say that in any such action the U.S. Government would be substituted for the individual defendant, the agent, and any judgment would be made out of the Treasury of the United States.

None of that would cause the defendant, the agent, to be relieved from his criminal liability if he violated a criminal law or from internal discipline if he violated the rules and regulations of the Bureau set up to protect citizens from excessvie conduct. That in brief would be our proposal.

It is my understanding that those who have opposed this legislation in the past have now centered upon one final objection; they would like a lot of other things; they would like participation in the disciplinary process, which I oppose, and they would like a number of other things even grafted in the legislation. But the one thing that now seems to hang up the consensus is the issue of whether the Government should be allowed to assert a good-faith defense.

The individual has that right at the present time to say, I, in good faith, believe what I was doing was lawful. The issue is whether in that legislation the Government should similarly be able to assert the good faith of the agent involved. The Department has urged that it should be, those who oppose the legislation have said that the Department—the Government—should not assert the good-faith defense.

Senator EAST. So what your men would do in effect is relieve themselves of any responsibility for civil damages; that the Government would assume the obligation of any possible judgment involving civil damages?

Mr. WEBSTER. That is correct.

Senator EAST. For the alleged violation of the constitutional rights. And the Department does agree that the Government—if that contingency then arises, if the amendment went through—that the Government would be able to assert the good-faith defense of the agent. It seems to me that would be absolutely essential to prevent the possibility that the Federal Government would be subjected to an endless array of law suits; would it not?

Mr. WEBSTER. Well, certainly the good-faith defense keeps the Government from being a deep pocket——

Senator EAST. In successful lawsuits, possibly if you cannot assert the good-faith defense, would that be your judgment?

Mr. WEBSTER. Well, I had thought a good-faith defense, since it is available to the individual, I cannot really understand the reason for denying it for the substituted defendant because the person has no—no greater claim against the Government than it has against its agents. But that is the argument, is that they should not have to prove that.

Senator **East**. So what you really feel is the answer is simple—the monetary problem of civil damages ought to be assumed by the Government, but that everything else would remain in place?

Mr. **Webster**. That is exactly right.

Senator **East**. As regards discipline of the agent, or criminal actions against the agent, or the good-faith defense on the part of the Government to assume that?

Mr. **Webster**. That is correct.

Senator **East**. It is merely the monetary damage dimension of it. I appreciate your clarification on that.

Mr. **Webster**. Incidentally——

Senator **East**. The issue has been resolved, so we will not retrace that ground. I can certainly be caught up on what you said on that.

In this final paragraph of your statement, the Federal Tort Claims Act and the Freedom of Information Act, we have covered those two; you say an important additional item traditionally included in the Department of Justice authorization bill should be enacted in permanent legislation which would tend to close the hiatus between authorization granting certain exemptions to the Bureau to permit it to engage in certain activities, and accordingly the Department of Justice is considering submission of legislation providing these vital authorities on a continuous basis.

So I gather that in regard to that problem, and I can understand what your problem is, the Department of Justice is going to take the initiative on that one?

Mr. **Webster**. I believe that it is, Senator.

Senator **East**. That is the current situation there. So the principal things we are saying—this is recorded in your statement here—is that the Congress and Judiciary Committee might give some aid and comfort to your organization in carrying out its important responsibility: the Federal Tort Claims Act change that you have just defined for us; and then these modifications in the Freedom of Information Act?

Mr. **Webster**. Those are the principal ones. We have made some other suggestions which I think will be reflected in the recommendations from the Department. The title III, which is in the new Street Crime Act which provides for wiretapping, limits us in our emergency powers to certain types of organized-crime-related activities. We think it would be well if Congress were to give us emergency authority in lifethreatening situations where we need to move on a title III without waiting for specific court authority in situations where a life is in danger, a kidnaping, or other type of activity of that kind where we have to move.

The emergency procedures do not relieve us of getting court approval, it just simply means that you must come in within 24 hours and file your affidavits in support of a court order. But presently our emergency authorization is limited to organized-crime-type activities. And we have been, with the help of the Justice Department, trying to obtain—and have occasionally obtained under tenuous circumstances—emergency authority from the Department to put installations in place where lives were known to be in danger and we were trying to get the information to deal with it. That is a—that is a type of legislation that I think would be useful, and reasonable, and rational, and it would not authorize us to be doing things we should not be doing. And we would have to come back, and get approval, and declare ourselves immediately, as we do in other emergency situations. That is one example.

I have expressed the hope, and because we did not have clearance from a OMB, I have not put it in my opening statement, but I think it is responsive to your question to say that there are many inequities in travel allowances which impact very adversely on career agencies such as the FBI where employees are subject to a substantial number of transfers during the year, and where the Government has not even come close to keeping up with the cost of moving people around, and, in fact, taxes the agent on reimbursements in excess of $3,000, which the Government provides for the move. And it seems to me inequitable as well as very tough on morale to cause someone to move in the interest of the Government, not because the person wants to move, but because the Government wanted them to move, and then not make them whole on their move or tax them as income for any reimbursements that are provided over $3,000. I hope somewhere along the line that the Congress will take an interest in that problem. After several years of work, the GSA finally utilized the full authority that it had to increase some of the per diem and home search trips and other allowances, but we are still stuck with an 11,000-pound freight allowance, when the average move is around 18,000 or 19,000. And we are still being taxed on the money that is given to us as reimbursement for doing what the Government wanted us to do.

Senator EAST. Thank you, Mr. Chairman.

Thank you, Mr. Webster.

Senator DENTON. Thank you, Senator East.

I share your interest in pressing for changes to the Federal Tort Claims Act, the Freedom of Information Act, and the Levi guidelines. As I stated in that portion of my opening statement, which I did not read aloud but inserted in the record, during the 97th Congress, witnesses before the subcommittee repeatedly urged amendments to the Freedom of Information Act, the Privacy Act, and the Federal Tort Claims Act, as well as modification of the Levi guidelines, in order to enhance the ability of the U.S. Government to gather and properly use intelligence information necessary for the protection and preservation of our national security. The subcommittee, in the 98th Congress, will attempt to identify and support all realistic ways of expeditiously effecting these much-needed changes to improve the ability of the authorized agencies of the Government to do their job effectively.

Senator Leahy brought up the question of the nuclear freeze and questioned the Director somewhat closely on it. It is, in my view, relevant to the FBI's mission—an urgent and important question.

There are 48 cosponsors of a nuclear freeze resolution. The Peace Academy issue is allegedly coming up again. Senator Kennedy's first statement regarding his reaction to the President's state of the Union address dealt with the need to establish nuclear freeze. Last night, across from my office in a large committee room, there was a meeting of the freeze proponents with literature distributed. On March 7, there will be a rally on the steps of the Capitol, followed by a lunch bag visit to every Congressman and Senator on the Hill, by the freeze proponents. So, this is an urgent issue in my view.

As a sample of the simplistic appeal and influence of the nuclear freeze advocates, which include most conspicuously Andropov, I would like to mention a typical Awareness Day held at Mary Baldwin College, and then ask the Director if the FBI has any information on some members of the Soviet delegation which attended Mary Baldwin College's International Awareness Day on October 21, 1982. Prior to the hearing, the subcommittee staff provided the Bureau with a list of names of a group of visiting or concerned private Russian citizens, as they were called, who participated—in fact, they were the sole visiting participants—in the International Awareness Day.

The general thrust, and the final pitch of the occasion made by the members of the Soviet delegation was as follows:

> This, girls of Mary Baldwin, is your responsibility as human beings. If you want children and grandchildren, override your government's dedication to war and its virulent rejection of Nuclear Freeze.

The delegation which made that appealing point was composed of the following—and I would ask the Director if at this point he knows anything about these gentlemen with respect to their orientation, perhaps as agents of the Soviet Union. And I must say publicly I have no idea what he is going to say, although, as I have stated, we have provided this information previously to the Bureau just prior to the hearing.

They call themselves "concerned private Russian citizens," and the delegation was composed of the following members: Genrikh Aviezerovich Borovik—and the State Department provided us with the information I shall give after each name—Mr. Borovik was born in 1929 in Minsk. He is listed as the editor in chief of a magazine, Teatr. I took Russian 3 years, but it is getting poor. That word means theater.

The next gentleman is Vladimir Izrailevich Gantman, born 1925, listed as section chief at Institute of World Economy and International Relations.

Next, Oleg Ivanovich Buyanov, born in 1944. He is listed as a consultant of the Soviet Peace Committee.

The next, Gela Kandidovich Charkviani, born 1939 in Toilisi, that is in the Soviet Union. Listed as senior teacher, Pedagogical Institute of Foreign Languages.

Next, Tatyana Nikolayevna Mozel, born 1945, listed as senior teacher at Moscow State Institute of International Relations.

Next, Yusuf K. Shakarov, born 1926 in Kirghizia, deputy chief, Ecclesiastical Order of Middle Asian Moslems.

Next, Galina Eduardovna Sidorova, born in 1956, listed as an employee of editorial office of magazine Novoye Vremya.

Next, Nikolay Nikolayvich Zverev, born in 1944, deputy chief of the International Department of All Union Council of Evangelical Christians-Baptist.

Do you have any information at this point on any of those individuals?

Mr. **Webster.** Mr. Chairman, I am not able to comment on it. The Bureau is aware of that occasion, has in fact, as you said, received a list of names. And they are being processed in the customary fashion. And perhaps you might want to ask that question again in the closed session.

Senator **Denton**. I shall, sir.

Thank you.

In light of previous remarks by Bureau spokesmen and those of a member of the congressional committee which held a recent press conference on the Soviet penetration of or effort in the nuclear freeze movement, I would ask you these questions, which you can answer now or in closed session. But I ask you to keep in mind the urgency of the developments in the public arena and the slants placed on your statements and those of others; and I would hope that you would answer some of them in this public forum.

Officially, I would ask: Do you believe that the Soviet Union is actively and energetically pushing a freeze as a principal foreign policy objective?

Mr. **Webster**. I am sorry; I missed a couple of words.

Senator **Denton**. Actively and energetically pushing a nuclear freeze as a principal foreign policy objective?

Mr. **Webster**. I think that is clear from the public's records.

Senator **Denton**. You can choose to answer these or not. I ask them to you as a private individual.

The nuclear freeze at this time would tend to confirm and perpetuate Soviet strategic superiority and American inferiority; a freeze is in the interests of the Soviet Union. Already Presidents Carter and Reagan have officially—or publicly, rather, endorsed both those statements, and they are consistent with what I perceive to be—consistent with the positions that would be taken by the five other past Presidents who have been alive during the nuclear era.

Would you as a private individual care to offer an opinion on those two statements?

Mr. **Webster**. Mr. Chairman, I think it is very difficult to separate my private views from my official position. And for that reason, I have tried wherever possible—and I am sure you will understand—to abstain from making comments publicly which are—which deal with political issues or, in a more technical sense, national defense issues in which I have no personal expertise.

Senator **Denton**. I will ask some of these questions in closed session. I appreciate your position.

Did the FBI—this is another subject entirely—conduct an investigation regarding the unauthorized disclosure of classified information in articles appearing in the New York Times reportedly authorized by Richard Reeves Burt? He is known as Rick Burt or Richard Burt. He is a nominee for Assistant Secretary of State for European Affairs.

The question regards a distinction between a background investigation and an investigation of the leak which appeared in the New York Times. I have the understanding that you conducted a background investigation of the gentleman but not an investigation of the alleged leak.

Mr. **Webster**. The leak investigations are conducted at the request of the Department of Justice, and we have—and by other agencies in which leaks have occurred of classified information.

And with the approval of the Department we have conducted leak investigations for other departments. I am just not in the position to respond to those out of my memory, Mr. Chairman. If I may, I will respond to that and any similar question in writing to you.

Senator **Denton**. All right, sir.

I would request that those responses be fairly prompt because they are relevant to——

Mr. **Webster**. I would be happy to do that. We maintain an ongoing record of leak inquiries which are given regularly to the Deputy Attorney General. So it should not be difficult.

Senator **Denton**. And I have further questions which I will ask for the record and ask you to respond to on that matter.

[The unclassified portion of the FBI responses to Senator Denton's questions follows. The classified responses are on file with the subcommittee.]

[By Courier]

U.S. Department of Justice,
Federal Bureau of Investigation,
Washington, D.C., February 16, 1983.

Hon. Jeremiah Denton,
Chairman, Subcommittee on Security and Terrorism, Committee on the Judiciary, U.S. Senate, Washington, D.C.

Dear Senator Denton: The following is in response to your question which you posed to my during my testimony before your Subcommittee on February 2, 1983.

Question: Did the Federal Bureau of Investigation (FBI) conduct any background investigation with respect to Mr. Burt's positions as Director of the Bureau of Politics-Military Affairs or Assistant Secretary Designate for European Affairs?

Answer: Yes. The FBI conducted a background investigation for the White House, which was reported in a summary memorandum dated August 13, 1982, to the White House. The FBI was advised the background was for a Presidential appointment; however, the exact position was not indicated. This is the only background type investigation conducted by the FBI concerning Richard Burt.

I trust this response will be of assistance to the Subcommitee.

Sincerely yours,
William H. Webster, *Director*

Senator **Denton**. Another issue; namely, the registration of CPUSA, Communist Party of U.S.A., as foreign agents. On July 14, 1982, Edward J. O'Malley, Assistant Director for Intelligence, testified before the House Permanent Committee on Intelligence that the KGB has clandestinely transferred funds to the CPUSA on behalf of the Communist Party, Soviet Union. He also said that several Soviet officials affiliated with the KGB at the Soviet Embassy in Washington, D.C., and the Soviet Mission to the United Nations are in regular contact with CPUSA members and officials of CPUSA front groups. These Soviet officials monitor Communist Party of the U.S. activities and transmit guidance to the CPUSA officials.

Title 22, United States Code, sections 611 to 624, and the rules contained in title 50, Code of Federal Regulations, section 5.1, et seq., provide that any person who acts in any capacity at the order, request or under the direction or control of a foreign principal—in this case, control is inferred by funding and the Soviet Union is clearly a foreign principal—and engages within the United States in political activities—in this case, the dissemination of political propaganda, including that which attempts to influence public opinion with respect to the peace movement—or the solicitation or dispensing of money—in this case, the financing of the Daily World newspaper—is required to register and make certain disclosures to the Attorney General which become a public record.

In light of Mr. O'Malley's testimony regarding information developed by the FBI, as chairman I am interested in why was the Communist Party not required to register?

Mr. **Webster**. Mr. Chairman, I believe we are now in the area of discussing an investigative technique and an investigative strategy in the area of foreign counterintelligence, and for that reason I would like to answer that question in the closed-session.

Senator **Denton**. Do you intend to raise the issue with the Department of Justice and recommend that the CPUSA be compelled to register and make disclosure regarding its funding and activities as required by law since the inception of the Foreign Agents Registration Act of 1948?

Mr. **Webster**. That would be a closed-session answer.

Senator **Denton**. It is 3 minutes to 12. I have an engagement which requires me to leave at 12. If you have another question.

Senator **Leahy**. I have no other questions.

Senator **Denton**. I do have one more, then Senator East. This question deals with the November 27 Klan march and anti-Klan violence. And I cite an article in "Human Events" dated December 11, 1982, on the violence taking place in Washington, D.C., on November 27, 1982. The article contained the following two paragraphs, and I quote:

> Indeed, as noted by the press, the FBI, which should be the logical source of intelligence on right and left-wing extremist groups, was ordered by Attorney General William French Smith to "collect information" for local authorities on November 24—just three days before the Ku Klux Klan and assorted Communists and pro-PLO groups staged their demonstration.
>
> Even more startling, police sources told "Human Events," the FBI was so lacking in basic intelligence that it was forced to ask the D.C. Police Department, which was supposed to be receiving the FBI assistance, for leads and information on some of the extremist groups. One source described FBI involvement in the affair as simply "ridiculous".

Those are two paragraphs from the "Human Events" article. I have no personal opinion on their validity, I simply quote and ask: Did the Attorney General order the FBI to collect information for the local authorities just 3 days prior to the planned march?

Mr. **Webster**. Yes, he did. I am trying to recall the timeframe. I think that is accurate.

Senator **Denton**. Are there any comments you care to make about the Bureau's alleged lack of basic intelligence on the groups involved?

Mr. **Webster**. I think we are talking about a number of groups, Mr. Chairman, and a number of names and organizations that have dropped out in this particular demonstration. I think I can make a few comments in open session.

We were asked to conduct those investigations, to provide that type of information, and we certainly, in fact, suggested to the Attorney General that he may want to give us those instructions in connection with guidelines on civil disorders, which are separate and distinct from the guidelines on domestic security. I wanted to be careful about identifying organizations in my response that are in fact subject to ongoing investigations to the extent that I can. In some cases, it is not possible.

Everyone knows that we investigate the Communist Party, U.S.A. Although that is a classified fact, it has been said so repeatedly it seems senseless to decline to answer on that basis.

The Ku Klux Klan as such—and we have had discussions about this in sessions in the past—is not monolithic, it is a series of klaverns, some violent, some not violent, some purely political, some going beyond their proper bounds in violating civil rights of other citizens. I think I read in the paper the other day that a principal Ku Klux Klan organization was insolvent or some announcement was made by Mr. Wilkerson.

We have had investigative activities on some collaborators when they were exceeding the bounds of their first amendment rights. And we have opened and closed the investigations on Ku Klux Klan groups on the basis of existing laws and guidelines.

We did contact and did attempt to contact and develop any information that might be available relative to the demonstration itself, and we did contact sources familiar with the Communist Workers Party, the CWP, and the John Brown Anti-Klan Committee, and the May 19 Communist Organization, all of which groups have been subject to FBI investigations. These were not known to be involved in the planning of anti-KKK demonstrations, but we thought it was very important, if possible, that we learn from these groups the extent of other group participation in the demonstration in order to assess the potential for violence, which was the predicate for the Attorney General asking us to conduct interviews.

We learned that the two groups which had applied for anti-KKK demonstrations were the All Peoples Congress, which has been described publicly as an anti-Klan coalition of labor, students and civil rights groups, and the Labor Black Mobilization Against the Klan group, which application has been signed by a local attorney and had listed as an alternate contact a New York attorney.

Our attempts within that timeframe to contact these individuals about this organization, for which we had no previous information, were not successful. And we have no further information concerning the Labor Black Mobilization Against the Klan. It had not come to our attention prior to the incident and it has not come to our attention since then.

Mr. Chairman, it is my understanding that the violence which occurred on November 27, 1982, has not been tracked to any group or organization. I believe that all of those arrested for engaging in violent activity were found to be residents of the District of Columbia; whereas, the groups that were petitioning for parade rights were from outside the District of Columbia. I cannot say at this point that there was no manipulation of the District of Columbia residents at that time, nor can I say with certainty that there was manipulation. It is the current consensus of all law enforcement agencies that the violence which occurred was spontaneous and a reflection of outrage that the Ku Klux Klan people were not going to march, were not going to be exposed to whatever form of protest these organizations intended to register, whether it was simply to boo or chant or actually throw rocks, stones, or shoes.

So that it does not yet appear that there was anything in that incident that we could say safely and with conviction was a result of a concerted manipulative effort by a terrorist group engaged in illegal activity.

Senator DENTON. Do you have any information about the role played by the November 29 Coalition, recognizing through commonsense that what took place involved people with different emotions, different volitions; do you have any special conclusion about the November 29 Coalition in that incident? That is a pro-PLO group, I understand.

Mr. WEBSTER. The only thing I can say in response to that, Mr. Chairman, is there were a number of groups there to support the demonstration, but that none of those groups were being investigated under existing Attorney General guidelines.

Senator DENTON. The words I was struck by on television and in print were made by a very responsible looking black person at the event who said that we didn't want violence, only the Communists wanted violence. It was said with a conviction that impressed me.

I do have another question which I will offer for the record in view of the fact that Senator East indicates that he has another question.

Senator EAST. I apologize for indicating earlier I did not.

One final question I would like to ask the Director since he is here and speaking himself as a person, a rather broad question, I would just like your response to it.

I think it is accurate to say there is a growing public perception in this country and has been for some time and of a fairly broad character that feels we have unduly hampered law enforcement at the Federal level and State and local level; second, that the courts in their interpretation of constitutional rights have so strained at the bit that I guess perhaps one might say in their pursuit of appropriate trials as opposed to fair trials, that the final result is that we have really tipped the balance in law enforcement in this country against society and in favor of the criminal element.

I am just curious as to whether you think that is a valid perception. I think it is an unfortunate situation, let alone a perception. Do you think that that is valid?

Mr. WEBSTER. I think it is clearly a perception, and that in itself is worthy of attention. When the American people have questions, serious questions about the efficacy of their criminal justice system, we should all pay attention.

In many cases, I think the perception is stronger than the reality, but in other cases it is a fair reflection of some of the problems we have in the criminal justice system. I view, Senator East, the criminal justice system as not just investigating cases, but as the beginning of the end of the whole process by which we investigate cases, decide which cases we can prosecute, do we have enough prosecutors to do it, and therefore cases that are not worthy do not get prosecuted because we are short on prosecutors.

Are there enough courts and judges to get a case to trial within a reasonable period of time, and then are there prisons in which to keep those that we convict? It does not include if there are not enough prisons, does that include whether people go to jail who are convicted?

And finally and equally important in the overall view there, can the person convicted of a crime just keep coming back and arguing technicality after technicality until he finds ones that stick? And I think that is where the American people are really uptight.

Basically, the exclusionary rule is symbolic of that kind of situation that occasionally, not necessarily always, but occasionally stands the justice system on its head. And when we lose the confidence of the American people that our system works well for them, then we have a serious problem because we do not operate the criminal justice system in a vacuum. We operate it for the American people within the context of our Constitution.

So there are problems and flaws out there. Unfortunately, we tend to try to solve one little problem at a time. It takes 5 years to build a prison, and we never get around to building one until the courts have decided that piling people six high is too much, and you can't put people in unless you have some more space, so then we agree to build another prison and that takes another 5 years, in which the aggravation continues.

So there are some serious problems with our approaches. I have seen very positive signs in the last 10 years. It has been a slow process, but I would have to say going back 10 years, the *Stone* v. *Powell* case, which had to do with limiting the range of the habeas corpus cases that prisoners could bring attacking the manner in which they were put in jail, was a steady indication by the Supreme Court that they are attentive to popular concerns about where that balance is struck between individual liberties and collective societal demands.

What they will do with the exclusionary rule remains to be seen. But I think that there is a visible process of defining those extra rights with a view toward accommodating societal demands that justice be more swift, more sure, and more final.

In order to do that, we have had to take into account the absence of perfection in investigative activities where quick decisions have to be made. We cannot look with 20-20 hindsight and require total perfection any more than we can require that of a commander in a battlefield. At the same time I think that the investigative and law enforcement agencies have an obligation, which we are seriously engaged in, in increasing the capability of our agents and investigators and law enforcement officers so that they can understand what is expected of them in a complicated and sometimes byzantine set of rules in which they operate.

I am not sure if I am answering your question; I think that the short answer would be I think the pendulum tilted too far about 10 years ago, and that it has closely but inexorably been coming back to a state of balance.

Senator EAST. Thank you.

Mr. WEBSTER. And with a little help from the Congress.

Senator EAST. Thank you, Mr. Chairman.

Senator DENTON. Thank you, Senator East.

I intend now to close this hearing. Before doing so, I want to thank Mr. Webster and his colleagues for the valuable time and testimony. And I wish to, without objection, include in the record the FBI "Analysis of Terrorist Incidents in the United States, 1982." [1]

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[1] The complete text of the "FBI Analysis of Terrorist Incidents in the United States, 1982" appears in the appendix, p. 43.

As you know, the record will be left open with the possibility that you, Director Webster, might receive questions from the members of this subcommittee or myself. And we request, as always, that you submit your written responses within 30 days from the time you receive the questions. I have made the specific request that regarding the questions concerning the investigation of Mr. Burt that the response be rather more prompt. The closed session is scheduled on February 25, 1983, as you are aware.

I wish to thank everyone for their interest and attention.

This hearing is adjourned.

[Whereupon, at 12:10 p.m., the subcommittee adjourned.]

APPENDIX

FBI ANALYSIS OF TERRORIST INCIDENTS
IN THE UNITED STATES
1982

THIS REPORT WAS PREPARED BY:

TERRORIST RESEARCH AND ANALYTICAL CENTER
TERRORISM SECTION
CRIMINAL INVESTIGATIVE DIVISION

PREFACE

The following definitions establish the criteria that the FBI utilizes to determine if criminal acts should be labeled terrorist.

Each incident listed in this report has met this criteria.

Terrorism:

Terrorism is defined as the unlawful use of force or violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives.

Terrorist Incident:

A terrorist incident is defined as a violent act or an act dangerous to human life in violation of the criminal laws of the United States or of any state to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives.

SECTION A

A PICTORIAL ANALYSIS OF TERRORIST INCIDENTS

1982

CHRONOLOGICAL LISTING OF TERRORIST INCIDENTS, U.S., 1982

DATE 1982	LOCATION	TYPE OF INCIDENT	GROUP CLAIMING CREDIT
1-28	Los Angeles, CA	Assassination	Justice Commandos of the Armenian Genocide
2-19	Washington, D.C.	Bombing	Jewish Defense League
2-19	Miami, FL	Bombing	Omega Seven
2-19	Miami, FL	Bombing	Omega Seven
2-21	Rio Piedras, PR	Bombing	Antonia Martinez Student Commandos
2-28	New York City, NY	Bombing	Armed Forces of National Liberation
2-28	New York City, NY	Bombing	Armed Forces of National Liberation
2-28	New York City, NY	Bombing	Armed Forces of National Liberation
2-28	New York City, NY	Bombing	Armed Forces of National Liberation
3-22	Cambridge, MA	Bombing	Justice Commandos of the Armenian Genocide
4-5	Brooklyn, NY	Arson	Jewish Defense League
4-28	New York City, NY	Bombing	Jewish Defense League
4-28	New York City, NY	Bombing	Jewish Defense League
4-29	Bayamon, PR	Bombing	Provisional Coordinating Committee of the Labor Self-Defense Group
4-29	San Juan, PR	Shooting	Provisional Coordinating Committee of the Labor Self-Defense Group
4-29	San Juan, PR	Bombing	Provisional Coordinating Committee of the Labor Self-Defense Group
5-4	Somerville, MA	Assassination	Justice Commandos of the Armenian Genocide
5-16	San Juan, PR	Shooting	Vieques Pro-Liberation Group Jointly with the Boricuan People's Army-Macheteros
5-17	Union City, NJ	Fire Bombing	Omega Seven
5-19	Rio Grande, PR	Shooting	Boricuan People's Army-Macheteros
5-20	Santurce, PR	Attempted Bombing	Boricuan People's Army-Macheteros
5-25	San German, PR	Assault	Star Group
5-30	Los Angeles, CA	Attempted Bombing	Armenian Secret Army for the Liberation of Armenia
6-10	Carolina, PR	Bombing	Armed Forces of Popular Resistance
6-10	Carolina, PR	Bombing	Armed Forces of Popular Resistance
6-10	Carolina, PR	Attempted Bombing	Armed Forces of Popular Resistance
7-4	Astoria, NY	Bombing	Croatian Freedom Fighters
7-4	New York City, NY	Attempted Bombing	Croatian Freedom Fighters
7-5	New York City, NY	Bombing	Jewish Defense League
7-5	New York City, NY	Bombing	Jewish Defense League
8-20	San Juan, PR	Bombing	Boricuan Armed Anti-Imperialist Commandos Jointly with Guerrilla Column 29 September and Armed Forces of National Liberation
9-1	San Juan, PR	Attempted Armed Robbery	Boricuan People's Army-Macheteros Jointly with Star Group
9-2	Miami, FL	Bombing	Omega Seven
9-8	Chicago, IL	Bombing	Omega Seven
9-20	New York City, NY	Bombing	Armed Forces of National Liberation
9-25	Miami, FL	Attempted Bombing	Omega Seven
10-15	Washington, D.C.	Attempted Takeover	Disassociated Members of the Moslem Religion
10-22	Philadelphia, PA	Attempted Bombing	Justice Commandos of the Armenian Genocide
11-4	New York City, NY	Smoke Bombing	Jewish Defense League
11-16	Carolina, PR	Armed Robbery	Boricuan People's Army-Macheteros
11-16	Carolina, PR	Armed Robbery	Boricuan People's Army-Macheteros
12-8	Washington, D.C.	Attempted Bombing	Anti-Nuclear Activist
12-16	Elmont, NY	Bombing	United Freedom Fighters
12-16	Harrison, NY	Bombing	United Freedom Fighters
12-21	New York City, NY	Attempted Bombing	United Jewish Underground
12-22	McLean, VA	Takeover	People of Omar - Anti-Qadhafi Libyans
12-31	New York City, NY	Bombing	Armed Forces of National Liberation
12-31	New York City, NY	Bombing	Armed Forces of National Liberation
12-31	New York City, NY	Bombing	Armed Forces of National Liberation
12-31	New York City, NY	Bombing	Armed Forces of National Liberation
12-31	New York City, NY	Attempted Bombing	Armed Forces of National Liberation

TOTAL INCIDENTS: 51
TOTAL DEATHS: 7
INJURED: 26

1982 TERRORIST INCIDENTS BY GROUP, NUMBER AND TYPE OF INCIDENT

TERRORIST GROUPS	ACTUAL BOMBING	ATTEMPTED BOMBING	ACTUAL FIREBOMBING	ATTEMPTED FIREBOMBING	ACTUAL SMOKE BOMBING	ATTEMPTED SMOKE BOMBING	ARMED ROBBERY	ATTEMPTED ARMED ROBBERY	SHOOTING	TAKEOVER	ATTEMPTED TAKEOVER	ARSON	ASSASSINATION	ASSAULT	TOTAL INCIDENTS	INJURED	KILLED
ARMENIAN GROUPS															5		
Armenian Secret Army for the Liberation of Armenia (ASALA)		1															
Justice Commandos of Armenian Genocide (JCAG)	1	1											2				2
CROATIAN GROUPS															2		
Croatian Freedom Fighters (CFF)	1	1															
CUBAN GROUPS															6		
Omega 7	4	1	1														
JEWISH GROUPS															6		
Jewish Defense League (JDL)	3				1							1				7	1
United Jewish Underground (UJU)		1															
LIBYAN GROUPS															1		
People of Omar-Anti-Qadhafi Libyans										1							
PUERTO RICAN GROUPS															23		
Antonio Martinez Student Commandos (AMS)	1																
Armed Forces of National Liberation (FALN)	10y	1														3	
Armed Forces of Popular Resistance (FARP)	2	1															
Boricuan Armed Anti-Imperialist Commandos	1y																
Boricuan People's Army-Macheteros (EPB-MACHETEROS)		1					2	1z	2x							15	3
Guerrilla Column 29 September	1y																
Provisional Coordinating Committee of the Labor Self Defense Group	2								1								
Star Group (EST)								1z						1		1	
Vieques Pro-Liberation Group									1x								
OTHER GROUPS AND INDIVIDUALS															4		
United Freedom Fighters (UFF)	2																
Anti-Nuclear Activist		1															1
Disassociated Members of the Moslem Religion											1						
TOTAL	28	9	1	0	1	0	2	1	3	1	1	1	2	1	51	26	7

x = Joint Operation
y = Joint Operation
z = Joint Operation

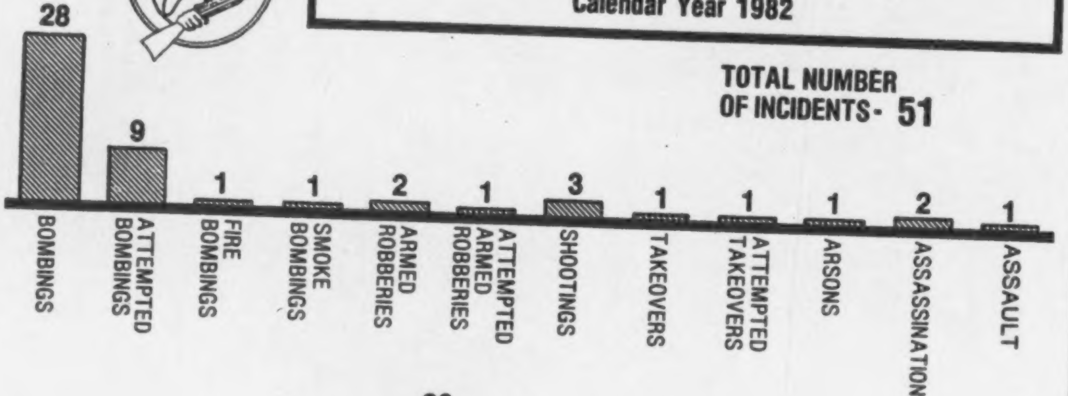
* It is noted that joint operations are counted only once for statistical purposes.

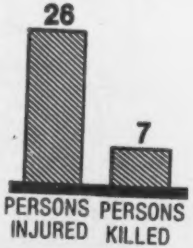
U.S.Department of Justice
Federal Bureau of Investigation

TERRORIST INCIDENTS IN THE U.S. BY TYPE

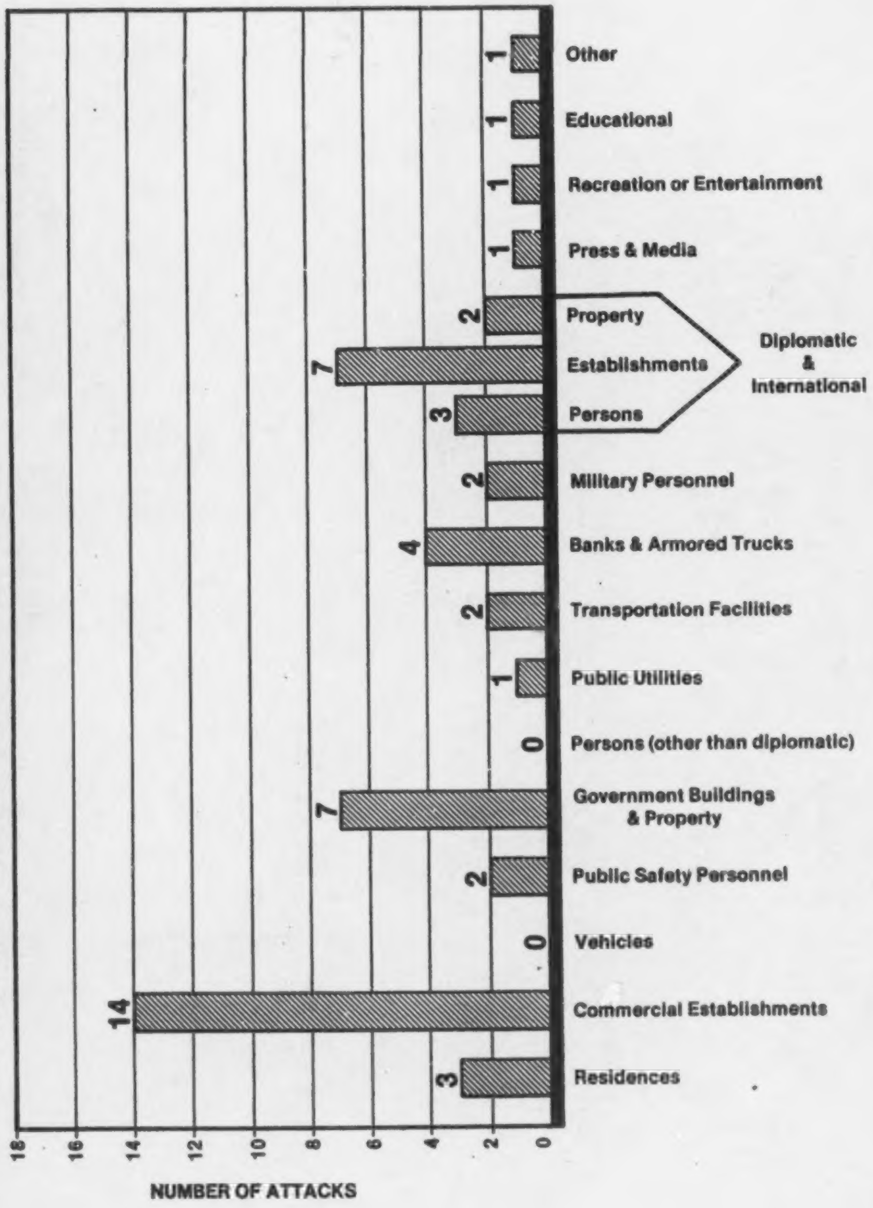
Calendar Year 1982

TOTAL NUMBER OF INCIDENTS - 51



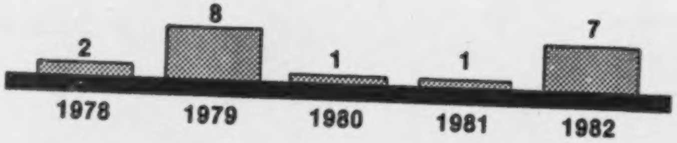


TERRORIST INCIDENTS BY TARGETS 1982

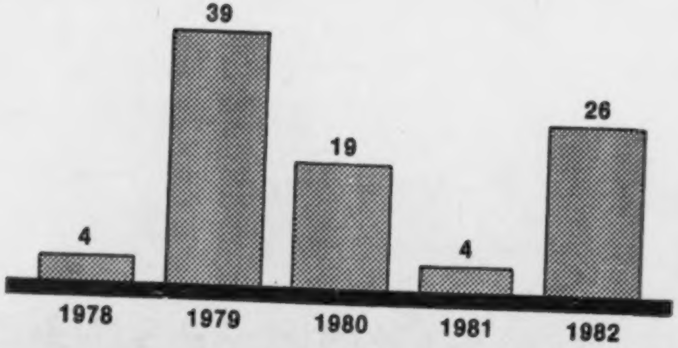


TERRORIST INCIDENTS
1978 - 1982
KILLED AND INJURED

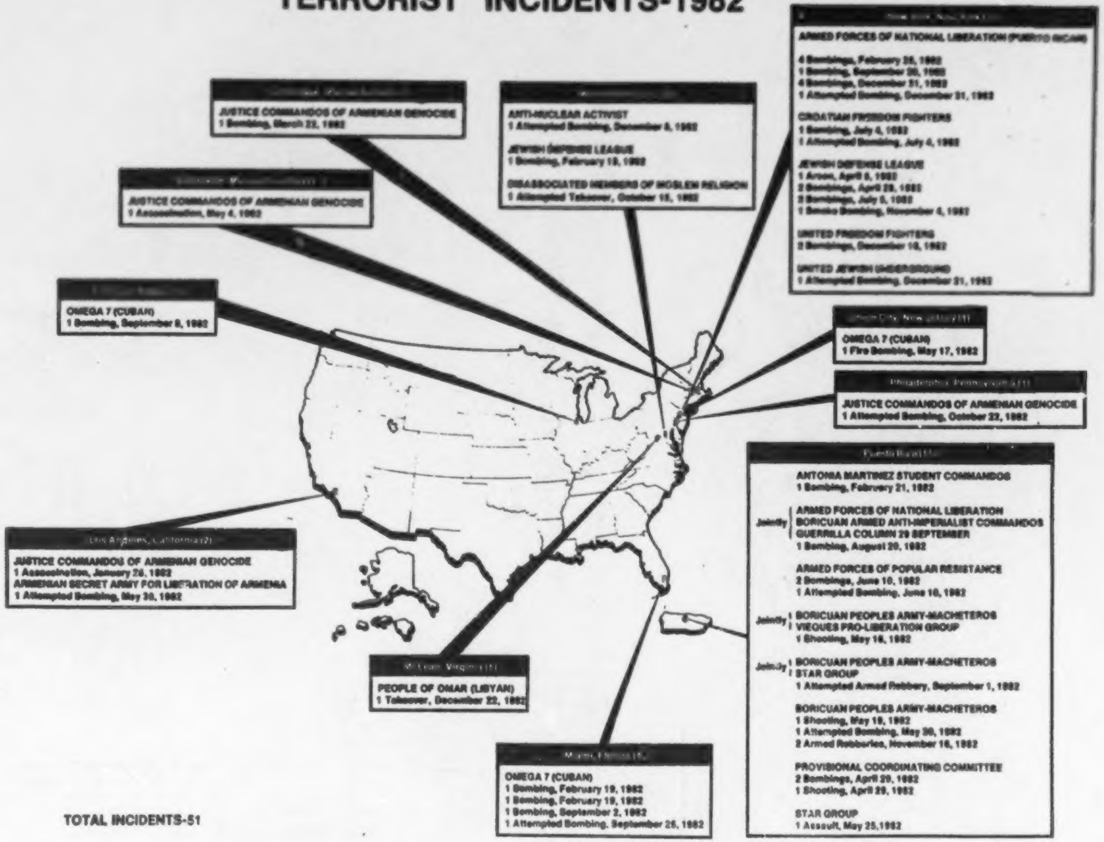
KILLED



INJURED



TERRORIST INCIDENTS-1982



ARMED FORCES OF NATIONAL LIBERATION (PUERTO RICAN)

4 Bombings, February 28, 1982
1 Bombing, September 20, 1982
4 Bombings, December 31, 1982
1 Attempted Bombing, December 31, 1982

CROATIAN FREEDOM FIGHTERS
1 Bombing, July 4, 1982
1 Attempted Bombing, July 4, 1982

JEWISH DEFENSE LEAGUE
1 Arson, April 8, 1982
2 Bombings, April 28, 1982
2 Bombings, July 5, 1982
1 Smoke Bombing, November 4, 1982

UNITED FREEDOM FIGHTERS
2 Bombings, December 16, 1982

UNITED JEWISH UNDERGROUND
1 Attempted Bombing, December 21, 1982

JUSTICE COMMANDOS OF ARMENIAN GENOCIDE
1 Bombing, March 22, 1982

ANTI-NUCLEAR ACTIVIST
1 Attempted Bombing, December 8, 1982

JEWISH DEFENSE LEAGUE
1 Bombing, February 19, 1982

DISASSOCIATED MEMBERS OF MOSLEM RELIGION
1 Attempted Takeover, October 15, 1982

JUSTICE COMMANDOS OF ARMENIAN GENOCIDE
1 Assassination, May 4, 1982

OMEGA 7 (CUBAN)
1 Bombing, September 8, 1982

OMEGA 7 (CUBAN)
1 Fire Bombing, May 17, 1982

JUSTICE COMMANDOS OF ARMENIAN GENOCIDE
1 Attempted Bombing, October 22, 1982

JUSTICE COMMANDOS OF ARMENIAN GENOCIDE
1 Assassination, January 28, 1982
ARMENIAN SECRET ARMY FOR LIBERATION OF ARMENIA
1 Attempted Bombing, May 30, 1982

PEOPLE OF OMAR (LIBYAN)
1 Takeover, December 22, 1982

ANTONIA MARTINEZ STUDENT COMMANDOS
1 Bombing, February 21, 1982

Jointly | ARMED FORCES OF NATIONAL LIBERATION
BORICUAN ARMED ANTI-IMPERIALIST COMMANDOS
GUERRILLA COLUMN 29 SEPTEMBER
1 Bombing, August 20, 1982

ARMED FORCES OF POPULAR RESISTANCE
2 Bombings, June 10, 1982
1 Attempted Bombing, June 10, 1982

Jointly | BORICUAN PEOPLES ARMY-MACHETEROS
VIEQUES PRO-LIBERATION GROUP
1 Shooting, May 16, 1982

Jointly | BORICUAN PEOPLES ARMY-MACHETEROS
STAR GROUP
1 Attempted Armed Robbery, September 1, 1982

BORICUAN PEOPLES ARMY-MACHETEROS
1 Shooting, May 19, 1982
1 Attempted Bombing, May 30, 1982
2 Armed Robberies, November 16, 1982

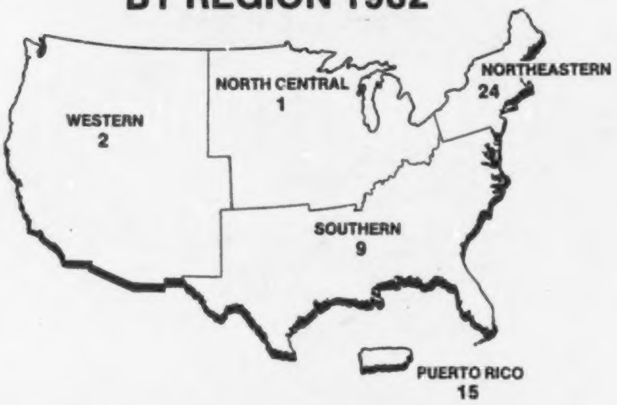
PROVISIONAL COORDINATING COMMITTEE
2 Bombings, April 29, 1982
1 Shooting, April 29, 1982

STAR GROUP
1 Assault, May 25,1982

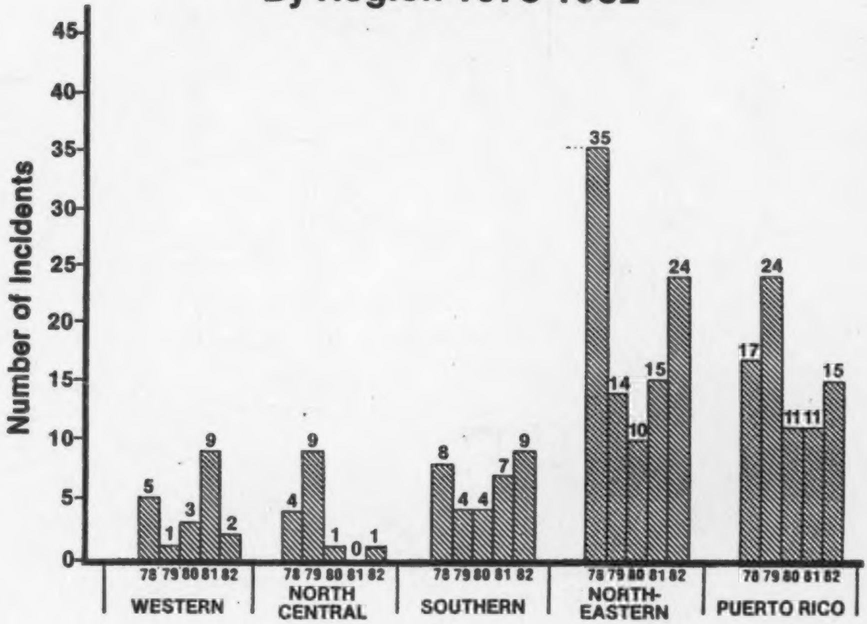
OMEGA 7 (CUBAN)
1 Bombing, February 19, 1982
1 Bombing, February 19, 1982
1 Bombing, September 2, 1982
1 Attempted Bombing, September 25, 1982

TOTAL INCIDENTS-51

TERRORIST INCIDENTS BY REGION 1982



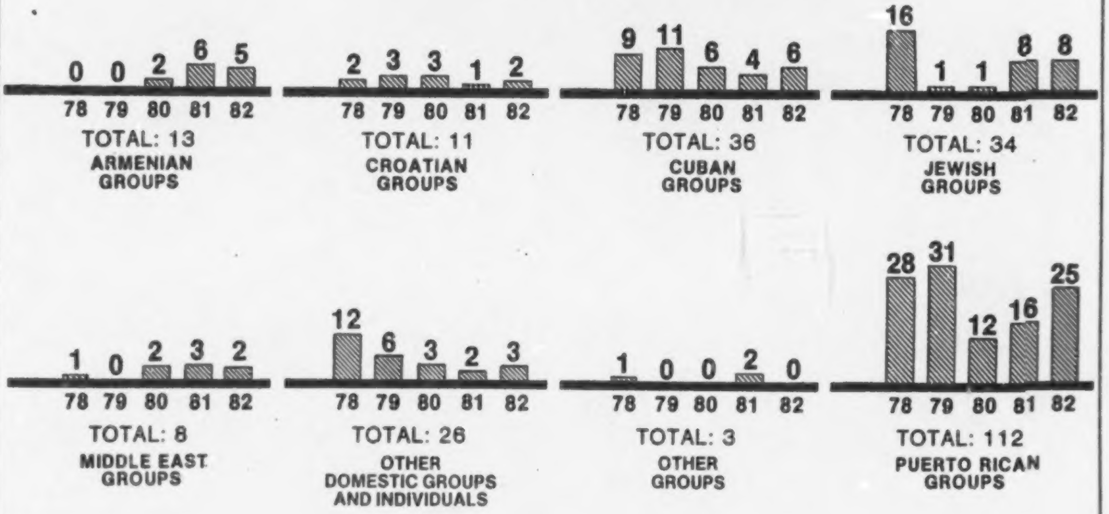
Comparison of Terrorist Incidents By Region 1978-1982



U.S. Department of Justice
Federal Bureau of Investigation

Trends in Terrorist Activity in the U.S. 1978 - 1982

NUMBER OF INCIDENTS: 51



SECTION B

SUMMARIES OF TERRORIST INCIDENTS BY GROUPS

ARMENIAN GROUPS

ARMENIAN SECRET ARMY FOR THE LIBERATION OF ARMENIA (ASALA)

aka Armenian Underground for the Liberation of Armenia

This group was responsible for a total of one incident in 1982.
DEAD: 0 INJURED: 0

The goals of the ASALA are: retaliation against Turks for the alleged massacre of one and one-half million Armenians in 1915; the liberation of historical Armenian lands from Turkey; and reunification with Soviet Armenia as a socialist democratic state. These goals are to be reached by means of Marxist-Leninist revolutionary violence.

On May 30, 1982, at approximately 1:45 a.m., three individuals, two of whom are ASALA members, were observed by an FBI surveillance team as they proceeded by car from Van Nuys, California, to the Los Angeles International Airport. One of the individuals was seen placing a package against the wall of the Air Canada cargo entry area. At less than fifteen minutes to the set detonation time, the Los Angeles Police Department Bomb Squad deactivated a high-order explosive. The two ASALA members were arrested and one remains a fugitive.
DEAD: 0 INJURED: 0

JUSTICE COMMANDOS OF THE ARMENIAN GENOCIDE (JCAG)

This group was responsible for a total of four incidents in 1982.
DEAD: 2 INJURED: 0

JCAG is an Armenian terrorist group dedicated to avenging the alleged massacre of one and one-half million Armenians by the Turks in 1915, and the establishment of an Armenian state free from Turkish influence. Since 1973, members of the JCAG have committed terrorist acts against Turkish individuals and establishments around the world.

On January 28, 1982, Kemal Arikan, Turkish Consul General, was shot and killed in Los Angeles, California. He was shot at point-blank range while alone in his vehicle and waiting for a traffic light to change. Police later arrested one individual and one remains a fugitive.
DEAD: 1 INJURED: 0

On March 22, 1982, at approximately 7:55 p.m., an explosion occurred at the business address of the Honorary Turkish Consul General, Orhan R. Gundez, in Cambridge Massachusetts.
DEAD: 0 INJURED: 0

On May 4, 1982, at approximately 6:50 p.m., the Turkish Consul General was killed instantly when a gunman opened fire into his car as it approached an intersection near Union Square in Somerville, Massachusetts.
DEAD: 1 INJURED: 0

On October 22, 1982, the luggage of a JCAG suspect was x-rayed in Boston and found to contain a suspicious object which proved to be an armed bomb, the main charge being dynamite. The inspection by x-ray of the luggage was prompted by an alert concerning a planned terrorist operation to be carried out by the JCAG against the Honorary Turkish Consul in Philadephia, Pennsylvania. One individual was charged with interstate transportation of an explosive device and four other JCAG members were also arrested in Los Angeles, California.
DEAD: 0 INJURED: 0

CROATIAN GROUPS

CROATIAN FREEDOM FIGHTERS (CFF)

This group was responsible for two incidents in 1982.
DEAD: 0 INJURED: 0

The CFF is a generic name used by the Croatian National Resistance, an international anti-Yugoslav organization committed to the establishment of an independent state of Croatia, to claim responsibility for terrorist incidents.

On July 4, 1982, at approximately 5:45 a.m., a pipe bomb exploded at the offices of the Frlan Travel Incorporated, Astoria, New York. Minor damage was suffered to the offices and four cars which were parked nearby.
DEAD: 0 INJURED: 0

On July 4, 1982, at approximately 8:30 a.m., a suspicious package was observed in front of the Yugoslav Airlines Office in New York City. A closer inspection by New York Police Department (NYPD) Bomb Squad indicated that the package contained a pipe bomb scheduled to detonate at 9:20 a.m. Members of the NYPD Bomb Squad rendered the device safe.
DEAD: 0 INJURED: 0

CUBAN GROUPS

OMEGA SEVEN

This group was responsible for six incidents in 1982.
DEAD: 0 INJURED: 0

Omega Seven is a fanatical anti-Castro Cuban exile group which was founded in 1975, to keep alive the fight of the Cuban exiles against Castro's communist government of Cuba. This group has, under the guise of fighting communism, committed numerous terrorist acts, including murder and political assassination. The priminary targets are representatives of the Cuban Government or any individual, organization, facility, or business that deals with or supports, in any way, the communist government of Fidel Castro.

On February 19, 1982, at approximately 11:00 p.m., an explosive device detonated at the "Republica Magazine," Miami, Florida.
DEAD: 0 INJURED: 0

On February 19, 1982, at approximately 11:00 p.m., an explosive device detonated at the Trans Cuba Office, Miami, Florida.
DEAD: 0 INJURED: 0

The above-described devices were identical and caused no structural damage.

On May 17, 1982, at approximately 1:15 a.m., a fire bombing occurred at the Almacen El Espanol in Union City, New Jersey. An unknown male called claiming responsibility and stating, "This is only the beginning, there will be more incidents." Minor damage to the store front was sustained.
DEAD: 0 INJURED: 0

On September 2, 1982, at approximately 9:30 p.m., an improvised explosive device detonated next to the ladies restroom which adjoins the Venezuelan consulate in Miami, Florida.
DEAD: 0 INJURED: 0

On September 8, 1982, at approximately 2:00 a.m., an individual was apprehended by the Chicago Police Department as he fled from the front of the Roxy Record and Book Company. The police had noticed his car parked in front of the bookstore. As he pulled away, a small explosion occurred. After he was arrested, the individual claimed he had perpetrated the bombing. The bomb, consisting of a bottle filled with black powder and capped with cloth, had been taped to the front window of the store. The bomb did not explode completely as intended and only a flash took place. Damage was minimal. A communique left at the scene stated that Omega Seven was responsible and the motive was that the bookstore was selling communist literature. The communique warned that attacks on communist businesses would continue.
DEAD: 0 INJURED: 0

On September 25, 1982, an unexploded bomb was found outside the Nicaraguan consulate, Miami, Florida.
DEAD: 0 INJURED: 0

JEWISH GROUPS

JEWISH DEFENSE LEAGUE (JDL)

This group was responsible for seven incidents in 1982.
DEAD: 1 INJURED: 7

The JDL was organized in September of 1968, by Rabbi Meir D. Kahane, who proclaimed that violence is necessary to accomplish the objectives of the JDL. Headquartered in New York City, the JDL is composed primarily of young Jewish-American extremists who consider themselves to be protectors of "Jewish rights" and supporters of the state of Israel. Chapters of the JDL are located in several of the larger metropolitan areas of the United States. Many JDL members have been trained in self-defense and the use of firearms. By means of their terrorist activity, the JDL has attempted to publicize the poor treatment received by Jews in the Soviet Union.

On February 19, 1982, at approximately 12:50 a.m., the Aeroflot Soviet Airlines Office, Washington, D.C., was damaged by a bomb blast, apparently caused by a pipe bomb. The blast caused no injuries and minimal damage.
DEAD: 0 INJURED: 0

On April 5, 1982, at approximately 1:50 a.m., a fire was set at the Tripoli Restaurant, 162 Atlantic Avenue, Brooklyn, New York. The restaurant was located on the ground floor of a four-story apartment building. One person died and the injured were admitted to hospitals. In claiming credit, a spokesman for the JDL stated, "This should serve notice that Jewish blood is not cheap."
DEAD: 1 INJURED: 7

On April 28, 1982, at approximately 11:05 a.m., the Iraqi Mission to the United Nations, New York City, notified the New York City Police Department that they had experienced a bombing in the early morning hours. Several fragments were found to be similar to the device recovered at the Lufthansa Airlines Office the same day. Two devices exploded within twenty-five minutes of each other. Damage was minimal.
DEAD: 0 INJURED: 0

On April 28, 1982, at approximately 2:00 a.m., a pipe bomb exploded in the revolving glass door at Lufthansa German Airlines, 850 Fifth Avenue, New York, New York. Damage was limited to the glass door itself and one window on the second floor.
DEAD: 0 INJURED: 0

On July 5, 1982, at approximately 9:10 p.m., a pipe bomb exploded in front of the French consulate, New York, New York. Evidence recovered included pieces of the bomb and fragments of a brown paper bag. Damage was minimal.
DEAD: 0 INJURED: 0

On July 5, 1982, at approximately 9:15 p.m., a pipe bomb exploded in front of the Lebanese Mission to the United Nations, New York City. Fragments of the bomb and a brown paper bag were discovered. Damage was minimal.
DEAD: 0 INJURED: 0

On November 4, 1982, at approximately 9:10 p.m., two persons threw two smoke grenades down the aisle of Carnegie Hall Cinema, New York, New York. One device ignited and several patrons extinguished the burning can by stomping on it. The theatre was exhibiting Russian films. Damage was limited to two burn marks on the carpet.
DEAD: 0 INJURED: 0

THE UNITED JEWISH UNDERGROUND (UJU)

This group was responsible for one incident in 1982.
DEAD: 0 INJURED: 0

The UJU is a group of extremists which has proclaimed violence as its only means to accomplish its objectives. Being an extension of the Jewish Defense League, many members consider themselves protectors of "Jewish rights" and are avid supporters of the state of Israel.

On December 21, 1982, at approximately 1:42 a.m., the "New York Post" received a telephone call from an anonymous male caller who stated a bomb had been placed under a car with diplomatic license plates at the corner of Sixty-sixth Street and Second Avenue, New York, New York. Members of the New York City Police Department recovered a pipe bomb underneath the right rear of a red Renault and rendered it safe. Due to the nature of the call, it was determined that the perpetrators thought they were placing the bomb under a Soviet diplomat's car. The car was parked one and one-half blocks from the Soviet Mission to the United Nations.
DEAD: 0 INJURED: 0

LIBYAN GROUPS

PEOPLE OF OMAR

This group was responsible for one incident in 1982.
DEAD: 0 INJURED: 0.

The People Of Omar is a generic term first used in the takeover of the office of the People's Committee for Libyan Students (PCLS) on December 12, 1982, in McLean, Virginia. The People of Omar is a group of Libyans who are opposed to the rule of Libyan leader, Mummar Qadhafi.

On December 22, 1982, at approximately 8:30 a.m., twelve individuals, armed with clubs, entered the PCLS building in McLean, Virginia, and briefly held two employees hostage. The employees were subsequently released unharmed; however, the intruders barricaded themselves inside the building. Demands issued by the intruders were that the PCLS be shut down, all Libyan officials in the United States who are pro-Qadhafi be deported, and that an ABC reporter arrive at the scene to hear their grievances. A statement of unknown origin surfaced which stated, "We, the People of Omar, claimed full responsibility for the McLean office building siege for the purpose of destroying Libyan student records." The individuals also related that they had documents to prove that the PCLS is a center for terrorist activities against Libyan exiles. After a nine-hour stand, a SWAT team entered the building and took control of the situation. The twelve intruders were arrested without incident.
DEAD: 0 INJURED: 0

PUERTO RICAN GROUPS

ANTONIA MARTINEZ STUDENT COMMANDOS (AMSC)

This group was responsible for one incident in 1982.
DEAD: 0 INJURED: 0

The group is composed of anti-United States university students and named for Antonia Martinez, a student at the University of Puerto Rico (UPR) who was killed during a UPR riot on March 4, 1970, while standing on the porch of a boarding house near the campus. Martinez, aged nineteen, was struck in the head by a bullet. Among radical students she is considered to be a martyr.

On February 21, 1982, at approximately 10:45 p.m., two sophisticated bombs exploded at the Administration Building, UPR, Rio Piedras, Puerto Rico. The two devices consisted of a propane tank, a five-by two-inch pipe bomb, external packages of high explosives, a clock timing mechanism, and an electric blasting cap. The communique claiming credit for this incident reportedly urged students to form semiclandestine groups to fight against American imperialism.
DEAD: 0 INJURED: 0

ARMED FORCES OF NATIONAL LIBERATION (FALN)

This group was responsible for ten incidents in 1982, in New York City, New York, and one incident in Puerto Rico, claimed jointly by the FALN, the Guerrilla Column 29 September, and the Boricuan Armed Anti-Imperialist Commandos.
DEAD: 0 INJURED: 3

The FALN is a clandestine, United States mainland-based, terrorist organization dedicated to the liberation of Puerto Rico through violence. This group in the past has caused damages to property in excess of three million dollars and many deaths and injuries to innocent victims. The group has forcibly taken control of two Presidential campaign offices and a National Guard Armory, binding employees and robbing the facilities. On April 14, 1980, eleven members of the FALN were arrested in Evanston, Illinois. They claimed no incidents from that time until February 28, 1982.

On February 28, 1982, a bomb exploded at the American Stock Exchange at Eighty-Six Trinity Place, New York, New York. An improvised explosive device was placed on a window sill causing damage to windows on the street level. No witnesses were reported and no evidence was recovered.
DEAD: 0 INJURED: 0

On February 28, 1982, a bomb exploded at the Merrill Lynch Office, One Liberty Plaza, New York, New York. An improvised device had been placed at the Cortland Street entrance. Extensive damage was caused to glass in the building. No physical evidence was recovered.
DEAD: 0 INJURED: 0

On February 28, 1982, a bomb exploded at the Chase Manhattan Bank, One Chase Manhattan Plaza, New York, New York. The device was placed between a pillar and a window on Nassau Street, causing extensive glass damage to the Plaza entrance level and the mezzanine level. A witness observed gray smoke and a strong odor of cordite, but did not see the perpetrator.
DEAD: 0 INJURED: 0

On February 28, 1982, a bomb exploded at the New York Stock Exchange, Eighteen Broad Street, New York, New York. An improvised explosive device was placed next to a door on the north side of the building causing damage to a metal security door, glass doors and windows, and two windows in adjacent buildings. Parts of a timing device were recovered.
DEAD: 0 INJURED: 0

The "Associated Press" in New York City, New York, received a call from a male with a Spanish accent stating that a communique from the FALN had been left in a telephone booth at Ninety-First and Riverside Drive, claiming FALN responsibility for these incidents.

On August 20, 1982, an improvised explosive device detonated on a side street of the Fortaleza (Governor's mansion) section of Old San Juan, Puerto Rico. The device consisted of a small (three-inches-long and one-half-inch-diameter) galvanized pipe and nipple filled with an unknown low explosive filler and fused by a match. No injuries or damages resulted. The incident was claimed jointly by the FALN and two newly emerged groups, the Guerrilla Column 29 September and the Boricuan Anti-Imperialist Commandos. The motive for the bombing was the failure of the local news media to publish terrorist communiques and for the practice of censoring news articles related to the struggle for

independence and socialism by clandestine groups in Puerto Rico.
DEAD: 0 INJURED: 0

On September 20, 1982, at approximately 12:40 a.m., an improvised explosive device exploded at Bankers Trust, Two Hundred Eighty Park Avenue, New York, New York. A man with a Spanish accent who claimed to be with the FALN stated, "We have just bombed a mid-town bank to protest the United States support of the Israeli massacre of Palestinian people." The explosion caused extensive damage to Bankers Trust and some glass damage to the building across the street at Three Hundred Park Avenue.
DEAD: 0 INJURED: 0

On December 31, 1982, at approximately 9:28 p.m., an improvised explosive device detonated in the area of the north entrance of the Federal Building, 26 Federal Plaza, New York, New York, which housed the New York Office of the FBI. The device was placed behind a pillar next to the windows of the General Services Adminstration, Business Services Center, causing extensive glass window damage and damage to offices. A witness observed a Hispanic male walking nonchalantly down the street who seemed to be disinterested in the explosion. The FALN claimed credit by phoning WCBS Radio. Two calls were received on December 31, 1982, while the others were made on January 1, 1983.
DEAD: 0 INJURED: 0

On December 31, 1982, an improvised explosive device detonated at the northwest entrance to police headquarters located at One Police Plaza, New York, New York. Upon hearing the first 9:28 p.m., (described above) explosion, a police officer assigned to security duty made a perimeter search of the area in an attempt to locate the origin of the explosion. Upon observing a Kentucky Fried Chicken container placed near the northwest entrance, the officer approached it, at which time the improvised explosive device contained within the container detonated. The explosion caused serious injury to the officer. The blast also caused extensive damage to the entrance way of the police headquarters. Four telephone calls were made, three to WCBS Radio and the other to WINS Radio. Two of the calls were made on December 31, 1982, while the others were made on January 1, 1983. In each call, an individual stated the FALN was responsible for the attack.
DEAD: 0 INJURED: 1

On December 31, 1982, an improvised explosive device detonated at the Federal Building, 225 Cadman Plaza East, Brooklyn, New York. It houses the United States Attorney's Office and the court of the Eastern District of New York in which there are currently pending FALN-related criminal investigations. The explosion caused extensive glass window damage and minor damage to offices within. Four telephone calls were made, three to WCBS Radio and the other to WINS Radio. Two of the calls were made on December 31, 1982, while the others were made on January 1, 1983. In each of the calls, an individual stated the FALN was responsible for the attack.
DEAD: 0 INJURED: 0

On December 31, 1982, the first of two improvised explosive devices detonated at the ground level entrance to the Federal Building, One St Andrew's Plaza, New York, New York. The building houses the United States Attorney's Office of the Southern District of New York. The explosion caused glass window damage in the entrance. This improvised explosive device was located by Police Emergency Services who placed a bomb blanket over the device. When two New York City Police Department Bomb Squad members later

approached the improvised explosive device, it detonated, causing serious injuries to both members. The FALN claimed credit by phoning WCBS Radio and WINS Radio. Two calls were received on December 31, 1982, while the others were made on January 1, 1983.
DEAD: 0 INJURED: 2

On December 31, 1982, the second of two improvised explosive devices was located at the Federal Building at One St Andrew's Plaza, New York, New York. It was found approximately forty feet from the first device which detonated near the ground floor entrance. The second bomb was rendered safe by members of the New York City Police Department Bomb Squad. One witness recounted observing a male individual place packages near the entrance at One St Andrew's Plaza twenty minutes before the detonation. The FALN claimed credit by phoning WCBS Radio and WINS Radio stations. Two calls were received on December 31, 1982, while the others were made on January 1, 1983.
DEAD: 0 INJURED: 0

ARMED FORCES OF POPULAR RESISTANCE (FARP)

This group was responsible for three incidents in 1982.
DEAD: 0 INJURED: 0

The FARP is a proindependence terrorist group which describes itself as a military, political organization. The FARP first came to light in January of 1978, but is suspected of having been involved in several robberies prior to that time. Since 1978, FARP has been involved in terrorist incidents including the ambush of a United States Navy personnel bus on December 3, 1979, in Sabana Seca, Puerto Rico, which was jointly claimed by the FARP, the Boricuan People's Army-Macheteros and the Organization of Volunteers for the Puerto Rican Revolution.

On June 10, 1982, at approximately 10:45 p.m., a high-order explosive with a timer mechanism exploded on the seventh floor of Marbella Condominium, Isla Verde, Puerto Rico, causing extensive damage. The device, believed to be iremite, was placed against a fire door in front of the Puerto Rico Electric Power Authority (PREPA) transformers.

On June 10, 1982, at approximately 11:00 p.m., while the Marbella Condominium was being cleared, a second device detonated on the fourth floor.

On June 10, 1982, another unexploded device was located in the Marbella Condominium by the Police of Puerto Rico Explosives Division and was rendered safe. The FARP advised that the bombing was effected to cause the evacuation of hundreds of families, among them the family of Jorge Pierluisi, Secretary of Housing for Puerto Rico. The FARP advised that they wanted the Pierluisi family to feel like the families that were recently forcibly removed from Villa Sin Miedo (Villa Without Fear), Carolina, Puerto Rico, an incident which resulted in one death and twelve injured.
DEAD: 0 INJURED: 0

BORICUAN ARMED ANTI-IMPERIALIST COMMANDOS

This group was responsible for one incident in 1982, jointly claimed by this group, the FALN, and a newly emerged group, the Guerrilla Column 29 September.
DEAD: 0 INJURED: 0

The Boricuan Armed Anti-Imperialist Commandos, a proindependence Puerto Rican terrorist group, first appeared on August 20, 1982, when a bomb detonated on a street in the Fortaleza section of Old San Juan, Puerto Rico, an incident claimed jointly by the FALN, this group, and another newly emerged group, the Guerrilla Column 29 September.

On August 20, 1982, an improvised explosive device detonated on a side street of the Fortaleza (Governor's mansion) section of Old San Juan, Puerto Rico. The device consisted of a small (three-inches long and one-half inch in diameter), galvanized pipe and nipple filled with an unknown, low explosive filler and fused by a match. No injuries or damage resulted. The motive claimed for the bombing was the failure of the local news media to publish terrorist communiques and for the practice of censoring news articles related to the struggle for independence and socialism by clandestine groups in Puerto Rico.
DEAD: 0 INJURED: 0

BORICUAN PEOPLE'S ARMY-MACHETEROS (EPB-MACHETEROS)

This group was responsible for six incidents in 1982, including one incident committed jointly by the EPB and the Vieques Pro-Liberation Group and one incident committed jointly by the EPB and the Star Group.
DEAD: 3 INJURED: 15

The EPB, better known as Macheteros, first appeared on August 24, 1978. This group is one of the most violent proindependence groups operating in Puerto Rico. The group has claimed responsibility for many terrorist acts including the bombing of nine National Guard planes at Muniz Airport, Isla Verde, Puerto Rico, on January 12, 1981. It has claimed responsibility jointly with other violent groups for terrorist acts including the ambush of a Navy personnel bus in December of 1979, in Sabana Seca, Puerto Rico.

On May 16, 1982, at approximately 1:10 a.m., four United States Navy enlisted men assigned to the USS Pensacola and wearing civilian clothes were attacked while walking back to their ship, which was docked in the harbor in Old San Juan, Puerto Rico. They were shot by automatic rifle fire coming from a passing maroon Cadillac. This incident was claimed jointly by the Macheteros and the Group for the Liberation of Vieques. The shooting was in retaliation for the United States Navy exercise "Ocean Venture '82," which took place in the Caribbean and terminated on May 16, 1982, the same day of this incident. One enlisted man was killed and three were injured.
DEAD: 1 INJURED: 3

On May 19, 1982, approximately three hundred-fifty families (squatters) were forcibly evicted by Police of Puerto Rico (POPR) from Villa Sin Miedo (Village Without Fear), Carolina, Puerto Rico. The POPR were carrying out a court order to remove the squatters from government property. While the eviction was being carried out, one Puerto Rican police officer was killed and two were injured by sniper fire. Reports indicate that ten civilians were also injured and at least one hundred were arrested. Reports indicate that the Macheteros had sent a letter to the Governor of Puerto Rico, warning him that they would "take action" if the squatters were evicted.
DEAD: 1 INJURED: 12

On May 20, 1982, at approximately 9:05 p.m., the switchboard operator at the Caribe Hilton Hotel in San Juan, Puerto Rico, received an anonymous call from a male who advised that four bombs had been placed in the

hotel. A search of the hotel revealed that four plastic containers filled with gasoline and one butane tank had been placed in room 323. The mechanical initiator functioned but failed to ignite the gasoline.
DEAD: 0 INJURED: 0

On September 1, 1982, at approximately 8:40 a.m., a Wells Fargo armored vehicle, carrying in excess of eight hundred thousand dollars was en route from San Juan to Naranjito, Puerto Rico, when several individuals attempted to rob the vehicle. The perpetrators possessed .45 caliber pistols and automatic long-barrel weapons with sound suppressors. They wore camouflage military uniforms, masks, and carried walkie-talkies. A ballistic comparison revealed that the weapon used in this incident was the same as the weapon used to kill a United States Navy enlisted man on May 16, 1982, claimed by the Macheteros, and was also the same weapon used in the shooting against the Puerto Rico Justice Building on April 29, 1982, claimed by the Star Group.
DEAD: 0 INJURED: 0

On November 16, 1982, at approximately 8:50 a.m., four individuals, one of them dressed in the uniform of a POPR officer, entered a neighborhood supermarket in a residential section of Carolina, Puerto Rico. The four individuals, all armed with handguns, ordered all customers and employees to the rear warehouse portion of the store after first robbing the store owner of approximately twelve thousand dollars in cash.

At approximately 9:00 a.m., a Wells Fargo armored truck, manned by a driver and a passenger guard, arrived at the same supermarket mentioned above. When the passenger guard entered the store to pick up the store's money, he was met by the four individuals mentioned above who forced him at gunpoint to provide the keys to the cash storage portion of the armored truck. Simultaneously with this, a white Ford van approached the armored truck which was parked, with the engine running, in front of the supermarket. This van approached the armored truck in a head-on confrontation. At least two other individuals then emerged from the white van carrying shoulder weapons. At gunpoint they approached the driver and ordered him to get out of the truck. One of the perpetrators then emerged from the supermarket and unlocked the cash vault of the armored truck. Several perpetrators then hurriedly transferred the cash bags from the armored truck to the van. Loss has been estimated at three hundred thousand dollars.
DEAD: 0 INJURED: 0

On November 16, 1982, while the supermarket robbery was taking place, several individuals confronted an attendant and the owner of a Texaco gas station across the street from the supermarket previously mentioned. The gas station owner then confronted the perpetrators with a handgun in his belt. When the owner attempted to draw his weapon, one of the perpetrators shot and killed him. Another perpetrator fired at the attendant, who fled the scene unharmed.
DEAD: 1 INJURED: 0

GUERRILLA COLUMN 29 SEPTEMBER

This group was responsible for one incident in 1982, jointly with the FALN and a newly emerged group, the Boricuan Armed Anti-Imperialist Commandos.
DEAD: 0 INJURED: 0

The Guerrilla Column 29 September, a proindependence terrorist group, first appeared on August 20, 1982, when a bomb detonated on a street in the Fortaleza section of

Old San Juan, Puerto Rico. Little is known about this group at the present.

On August 20, 1982, an improvised explosive device detonated on a side street of the Fortaleza (Governor's mansion) section of Old San Juan, Puerto Rico. The device consisted of a small (three-inches long and one-half inch in diameter) galvanized pipe and nipple filled with an unknown, low explosive filler and fused by a match. No injuries or damage resulted. The incident was claimed jointly by this group, the FALN, and another newly emerged group, the Boricuan Armed Anti-Imperialist Commandos. The motive for the bombing was the failure of the local news media to publish terrorist communiques and the practice of censoring news articles related to the struggle for independence and socialism by clandestine groups in Puerto Rico.
DEAD: 0 INJURED: 0

PROVISIONAL COORDINATING COMMITTEE OF THE LABOR SELF-DEFENSE GROUP

This group was responsible for three incidents in 1982.
DEAD: 0 INJURED: 0

This group first emerged on April 29, 1981, when it claimed responsibility for three bombings and an attack on the residence of the Director of Puerto Rican Communications Authority in Carolina, Puerto Rico.

On April 29, 1982, three armed and undentified Latin males overpowered a guard at the Puerto Rican Electric Power Authority (PREPA) Substation in Bayamon, Puerto Rico, and placed an explosive device inside. The explosion wrecked the facility severely, causing five hundred thousand dollars worth of damage. The bombing device utilized a mechanical initiator similar to those used in PREPA bombings on November 11, 1981, and November 27, 1981. Motives were suspected to be related to the laying off of PREPA workers.
DEAD: 0 INJURED: 0

On April 29, 1982, at approximately 7:15 p.m., the Puerto Rico Justice Building, located about five hundred yards from the Puerto Rico Natural Resources Building, was attacked by members of this group who fired twenty-six rounds of .45 caliber bullets into a large plate glass window. The guard on duty narrowly escaped injury. Damage exceeded one hundred thousand dollars. An anonymous call directed a local radio station employee to the location of a typewritten communique.
DEAD: 0 INJURED: 0

On April 29, 1982, at approximately 8:30 p.m., the Labor Relations Board Building located on Paseo Covadanga, Old San Juan, Puerto Rico, was the scene of an explosive bombing. The fusing system of the explosive consisted of a mechanical delay device. Damage was estimated at five hundred dollars, consisting mainly of broken windows.
DEAD: 0 INJURED: 0

STAR GROUP

This group was responsible for one incident plus one incident jointly with the Boricuan People's Army-Macheteros.
DEAD: 0 INJURED: 1

The Star Group (Groupo Estrella) came into existence on April 11, 1980, when they kidnaped Puerto Rico Electric Power Authority (PREPA) engineer, Manuel Vazquez Santiago, shaved his head and held him in a remote area of Yaucoa, in the mountains of Puerto Rico, following a Union De Trabajadores Industria Electrico Y Riego (UTIER) (Electrical Industry and Irrigation Workers Union) strike against the PREPA. The group is apparently named after a terrorist, Luis Estrella, who was killed when an electric transmission tower he was sabotaging fell on him. It is known that leaders of the Movimiento Socialista Puertorriqueno (MSP) and the Partido Socialista Revolucionario (PSR) were obtaining materials to construct bombs, planning to bomb electric towers, and meeting with leaders of the UTIER Union during the 1981 strike. There were twenty-one unclaimed bombing incidents against PREPA during the September, 1981 to December, 1981, UTIER strike, and investigation indicates that the MSP and the PSR are probably responsible for the majority of the incidents. Groupo Estrella is an armed clandestine movement within the ranks of the UTIER.

On May 25, 1982, between 3:30 p.m. and 4:00 p.m., SSG Jorge Miranda Martinez, a Puerto Rico National Guard recruiter, was kidnaped in San German, Puerto Rico, by three male individuals. He was ordered to drive his GSA-marked vehicle off the main highway and down a dirt road. The recruiter, who is a Puerto Rican, was slapped around by the three men who held him at gunpoint while accusing him of being a traitor to his country and saying they would remove all Americans from Puerto Rico. The perpetrators, who were apparently seeking weapons, finally released the recruiter after two of the men wanted to kill him, but were stopped by the third.
DEAD: 0   INJURED: 1

On September 1, 1982, at approximately 8:40 a.m., a Wells Fargo armored vehicle carrying in excess of eight hundred thousand dollars, was en route from San Juan to Naranjito, Puerto Rico, when several individuals attempted to rob the vehicle. The perpetrators possessed .45 caliber pistols and automatic shoulder weapons with sound suppressors. The perpetrators were dressed in camouflage military uniforms, wore masks, and carried walkie-talkies. A ballistic comparison indicated that the .45 caliber rounds were from the same weapon used to kill a Navy seaman on May 16, 1982, claimed by the Macheteros, and to shoot against the Department of Justice on April 29, 1982, claimed by the Star Group.
DEAD: 0   INJURED: 0

GROUP FOR THE LIBERATION OF VIEQUES (GRUPO PRO-LIBERACION DE VIEQUES)

aka Vieques Pro-Liberation Group

This group was responsible for one incident in 1982, jointly with the EPB-Macheteros.
DEAD: 1   INJURED: 3

The name of this group first emerged on May 16, 1982, through a shooting attack on four United States Navy enlisted persons which resulted in one person killed and three injured. The operation was claimed jointly by this group and the EPB-Macheteros. It is not known if this group has any ties with other groups which have protested the presence of the United States Navy on the island of Vieques, used for naval exercises and target practice.

On May 16, 1982, at approximately 1:10 a.m., four United States Navy enlisted men, assigned to the USS Pensacola and wearing civilian clothes, were attacked while walking back to their ship which was docked in the harbor in Old San Juan, Puerto Rico. They were shot by automatic rifle fire coming from a passing maroon Cadillac. This incident was claimed jointly by the Macheteros and the Group for the Liberation of Vieques. The shooting was in retaliation for the United States Navy exercise, "Ocean Venture '82," which took place in the Caribbean and terminated on May 16, 1982, the same day as this incident. One enlisted man was killed and three were injured.
DEAD: 1 INJURED: 3

OTHER GROUPS

AND

INDIVIDUALS

UNITED FREEDOM FIGHTERS (UFF)

aka United Freedom Federation

This group was responsible for two incidents in 1982.
DEAD: 0 INJURED: 0

This group emerged on December 16, 1982, when it claimed responsibility for two bombings. Its goals have not yet been defined.

On December 16, 1982, a bomb detonated at the South African Purchasing Office, 1975 Linden Boulevard, Elmont, New York. Extensive damage was caused to the building.
DEAD: 0 INJURED: 0

On December 16, 1982, a bomb detonated at the IBM Building, 600 Mamaroneck Avenue, Harrison, New York. Extensive damage resulted to the building.
DEAD: 0 INJURED: 0

Approximately one-half hour prior to each incident, a caller contacted news media personnel and South African Purchasing Office personnel, stating that a bomb had been placed at each location (described above) and that they had thirty minutes to evacuate the premises. Premises were evacuated at each location and subsequent explosions occurred.
DEAD: 0 INJURED: 0

ANTINUCLEAR ACTIVIST

This individual was responsible for one incident in 1982.
DEAD: 1 INJURED: 0

Norman David Mayer was an antinuclear advocate, had picketed the White House, and possessed a criminal history in the United States and abroad. Killed during this incident, Mayer, a World War II veteran, qualified for burial in the Arlington National Cemetery.

On December 8, 1982, at approximately 10:20 a.m., an unidentified male drove a white van onto the grounds and up to the entrance of the Washington Monument, Washington, D.C.

The perpetrator presented park officials with an antinuclear pamphlet which stated, "There are one thousand pounds of TNT in this truck that can be detonated four different ways on automatic." He advised that he intended to detonate the explosives as a protest against nuclear weapons The perpetrator paced back and forth in front of the Monument and the van while holding a hobbyist-type radio control transmitter which hung from his neck by a rope or string, and which was determined to be capable of detonating explosives.

Nine individuals (seven tourists and two National Park officials) were trapped in the Monument, but were allowed to leave by the perpetrator.

At approximately 7:35 p.m., during negotiations, the individual entered his van and attempted to drive it away from the Monument. Shots, supposedly fired by Park Police, struck the van, which overturned. The perpetrator had been seriously injured and rendered incapable of detonating the device. Examination revealed that the van had contained no explosives. The perpetrator, pronounced dead at 8:42 p.m., was identified as Norman David Mayer.
DEAD: 1 INJURED: 0

DISASSOCIATED MEMBERS OF THE MOSLEM RELIGION

This group was responsible for one incident in 1982.
DEAD: 0 INJURED: 0

The group of members of the Moslem religion gathered at the Islamic Center in Washington, D.C., and then proceeded as a group to the Saudi Arabian Embassy to express their dissatisfaction with the present Saudi Arabian Government.

On October 15, 1982, at approximately 3:00 p.m., fifty Moslems marched from the Islamic Center, 2551 Massachusetts Avenue, Washington, D.C., to the Saudi Arabian Embassy, 2941 Massachusetts Avenue, N.W., Washington, D.C., and attempted to take over the Embassy of Saudi Arabia. Some of the Moslems sat down on the grass and the remaining demonstrators went to the Embassy's door where they attempted to enter. The Metropolitan Police Department responded, as did the Uniformed Division of the United States Secret Service, and made twenty-six arrests for unlawful entry.
DEAD: 0 INJURED: 0

SECTION C

SUSPECTED TERRORIST INCIDENT

1982

SUSPECTED TERRORIST INCIDENT - 1982

DEAD: 1 INJURED: 15

On August 11, 1982, at approximately 4:02 p.m., Eastern standard time (EST), an explosion occurred aboard Pan Am Flight 830 en route from Narita International Airport, Narita, Japan, to Honolulu, Hawaii. The explosion killed Toru Ozawah, a sixteen-year-old Japanese national, and injured fifteen other passengers. The improvised explosive device was located under the victim's seat. Upon detonation the improvised explosive device tore a hole in the passenger deck and damaged the fuselage adjacent to the victim's seat. Although damaged, Pan Am Flight 830 landed safely in Honolulu, Hawaii.

FBI RESPONSES TO WRITTEN QUESTIONS OF COMMITTEE MEMBERS

QUESTIONS SUBMITTED BY SENATOR DENTON

January 25, 1983

Honorable William H. Webster
Director
Federal Bureau of Investigation
9th & Pennsylvania Ave., N.W.
Washington, D.C. 20535

Dear Judge Webster:

By letter dated, January 7, 1983, Senator John East requested that the Bureau provide detailed information relative to the violent demonstration which occurred on November 27, 1982, in Washington, D.C.

This request related to six areas which are as follows:

1) The extent of the involvement of extremist political groups in the planning and the agitation for the November 27 disruptions and rioting.

2) The extent, if any, of the involvement of the Communist Party of the U.S.A. in the planning, coordination, financing, or promotion of those disruptions or CPUSA participation in them.

3) The extent, if any, of the role of the Soviet, Cuban, or other Soviet or Communist Bloc intelligence services or assets in the planning, coordination, financing, or promotion of these disruptions or their participation in them.

4) The extent, if any, of the cooperation between either CPUSA members or adherents, CPUSA front groups, or Soviet Bloc (including Cuban) intelligence services or assets in this country and so-called "splinter" communist parties and groups such as the Trotskyists, Maoists, and non-aligned Communist groups. Such cooperation would include financial assistance, coordination of activities, mutual support in agitation and political activities, and the degree of rivalry, hostility, or alliance that exists among these groups and between them and the Soviet Bloc.

5) The extent, if any, of the role of a group known as the "Communist Workers Party" (CWP), which is under full investigation by the FBI, in these disruptions in the ways described above, and the extent of CWP activities in the Washington area.

As you know, the CWP has been particularly active in North Carolina and was partially responsible for the violence in Greensboro, North Carolina, on November 3, 1979. Senator East, therefore, has a special interest in CWP activites in both North Carolina and in the Washington Area.

6) Any evidence to indicate Communist influence in, or attempts to influence, the Ku Klux Klan for the purpose of creating an environment in which the Klan, wittingly or unwittingly, acts as a catalyst for, or provides an apparent purpose to, the activities postulated above.

In light of the forthcoming oversight hearings, it would be useful, from my perspective, to have my Security and Terrorism Subcommittee staff briefed, and since the request emanates also from Senator East, to include Dr. Samuel T. Francis, his advisor for national security among those to whom the briefing is provided.

In light of the time constraints, your immediate attention to this request will be greatly appreciated.

Sincerely,

Jeremiah Denton
U.S.S.

U.S. Department of Justice

Federal Bureau of Investigation

Office of the Director

Washington, D.C. 20535

March 10, 1983

Honorable Jeremiah Denton
Chairman, Subcommittee on
Security and Terrorism
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

By letter dated January 25, 1983, you posed six questions regarding violent street demonstrations which occurred in Washington, D.C., on November 27, 1982, and a 1979 incident in Greensboro, North Carolina. Attached are responses to Questions 1, 2, 5, and 6. Responses to Questions 3 and 4 are classified and will be hand delivered to the Subcommittee.

Sincerely yours,

William H. Webster
Director

Enclosure

Senator East's Question 1:

The extent of the involvement of extremist political groups in the planning of and agitation for the November 27, 1982, disruptions and rioting?

Answer:

None of the groups identified as being involved in the planning of the anti-Ku Klux Klan (KKK) demonstration was the subject of any FBI investigation; therefore, the extent of their activities was not determined. However, the FBI, at the request of the Attorney General, under the guidelines for reporting on civil disorders and demonstrations involving a Federal interest, did attempt to interview those persons representing various groups applying for demonstration permits to determine the purpose and method of those demonstrations. The FBI also contacted sources familiar with the Communist Workers Party (CWP), John Brown Anti-Klan Committee (JBAKC), and the May 19th Communist Organization (M19CO), which are the subjects of FBI investigations. Even though these groups were not involved in the planning of the anti-KKK demonstration, the FBI considered it important that it be determined, if possible, the extent of these groups' participation in the demonstration in order to assess the potential for violence.

The two groups who were identified as applying for anti-KKK demonstration permits were the All Peoples Congress (APC), described publicly as an anti-Klan coalition of labor, student and civil rights groups, and the Labor/Black Mobilization Against the Klan (L/BMK). A local attorney had signed the permit application for L/BMK, and had listed as an alternate contact a New York attorney. Attempts to contact these individuals in connection with the Attorney General's request noted above were unsuccessful. No further information is available concerning L/BMK. This group had not come to the FBI's attention prior to this incident, nor has it since.

A group known as the Spartacist League (SPL) was alleged to have been involved in the violent portion of the anti-Klan demonstration.

The SPL, founded in 1965 by former members of another Trotskyist-Communist Organization, advocates the destruction of the capitalist system, and the creation of a workers class system and a workers class society. The SPL national headquarters is located in New York City. While the SPL does not openly advocate the violent overthrow of the United States Government at this time or violations of other Federal or state laws, the SPL does believe that eventual violent revolution to overthrow the present capitalist system of Government in the United States is inevitable.

Investigation by the Washington Metropolitan Police Department and the United States Capitol Police has not uncovered any indication that the aforementioned group did more than urge participation in the anti-Klan demonstration by residents of the District of Columbia, who were and are unsupportive of the Klan's goals. The SPL is not the subject of a FBI investigation. The CWP, JBAKC and M19CO are currently the subjects of full domestic security investigations.

Senator East's Question 2:

The extent, if any, of the involvement of the Communist Party, USA (CPUSA) in the planning, coordination, financing, or promotion of these disruptions or CPUSA participation in them.

Answer:

There has been no reported involvement or participation by the Communist Party, USA or its members in the demonstration against the Ku Klux Klan rally, November 27, 1982.

Senator East's Question 5:

The extent, if any, of the role of a group known as the "Communist Workers Party" (CWP), which is under full investigation by the FBI, in these disruptions in the ways described above, and the extent of CWP activities in the Washington area.

Answer:

The CWP was not involved in the planning of the anti-Ku Klux Klan (KKK) rally in Washington, D.C. A contingent of approximately twelve CWP members from Baltimore, Maryland, attended a peaceful anti-KKK demonstration on November 27, 1982, in Washington, D.C., and returned to Baltimore having never participated in any violent activity. Our investigation of the CWP shows no activity in the Washington, D.C., metropolitan area at this time. The CWP in North Carolina has, since the conclusion of the trial of the KKK members involved in the shootout in Greensboro, North Carolina, not been involved in any known violent activities.

Senator East's Question 6:

Any evidence to indicate Communist influence in, or attempts to influence, the Ku Klux Klan (KKK) for the purpose of creating an environment in which the Klan, wittingly or unwittingly, acts as a catalyst for, or provides an apparent purpose to, the activities postulated above.

Answer:

Although there have been violent confrontations between specific klaverns of the KKK and communist-oriented groups such as the CWP, there is no evidence to indicate the KKK is being influenced or manipulated by communist-oriented groups.

U.S. Department of Justice

Federal Bureau of Investigation

Office of the Director

Washington, D.C. 20535

August 29, 1983

Honorable Jeremiah Denton
Chairman, Subcommittee on
Security and Terrorism
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

Enclosed are responses to questions posed by you and Senators East and Hatch in your letter of March 25, 1983. Also enclosed are responses to questions submitted by a staff representative of Senator Leahy. Please note that your questions 3, 4, 6 through 9, 26, 34, 36, and questions 7, 8, and 9 submitted by Senator East are not addressed in this communication inasmuch as they required classified responses. These responses were furnished in a separate communication. Also note that question 5 was addressed in the classified response.

The last inquiry in question 30, which addresses the Cuban Government's involvement in international drug trafficking, is not answered in this communication inasmuch as you have already received a response on that subject.

I hope the enclosed material will be of assistance to you in your continuing oversight of FBI operations.

Sincerely yours,

William H. Webster

William H. Webster
Director

Enclosure

Question 1:

In his opening statement, Judge Webster mentions the arrest of five members of the Justice Commandos of the Armenian Genocide (JCAG) and he states that this is the first time that members of JCAG have been arrested prior to their commission of a terrorist act.

Explain how this was accomplished, including an explanation of the undercover investigative techniques employed.

Was JCAG being investigated under the Domestic Security Investigation Guidelines or under the Foreign Counterintelligence Guidelines (FCI)?

Answer:

Because the investigation of the JCAG, which is considered by the FBI to be an international terrorist group, is an ongoing investigation and prosecution is pending against the five members referred to in this question, the specific techniques utilized in the investigation cannot be discussed without jeopardizing this prosecution.

All international terrorist groups are investigated by the FBI under the Attorney General Guidelines for FCI.

Question 2:

Judge Webster makes the statement in his opening remarks that "the undercover investigative technique has proved successful in terrorist investigations."

What technique (or techniques) is being referred to? How has it been successful?

Does this apply to terrorist investigations conducted under the Domestic Security Investigation Guidelines as well as those under the FCI Guidelines?

Answer:

The utilization of undercover agents has been especially successful in the Bureau's efforts against the Provisional Irish Republican Army. These investigations have resulted in the recovery of large caches of weapons allegedly enroute to Nothern Ireland and the arrest and prosecution of numerous subjects. Some of the subjects have been acquitted of the charges stemming from the gun purchases but they have been effectively neutralized in their efforts to supply weapons to terrorists in Northern Ireland.

Question 5:

In light of the testimony by Mr. O'Malley on July 14 1982, before the House Permanent Select Committee on Intelligence relative to the relationship between the CPUSSR, the KGB, and the CPUSA, and in light of the admitted heavy movement of the CPUSA in the nuclear freeze, peace movement in the U.S., what is the Bureau's assessment of the Soviet Union's role in the U.S. peace movement at the present time?

Since Mr. O'Malley's testimony on July 14, 1982, does the Bureau have additional information on the relationship between the CPUSSR, the KGB, and the CPUSA? Has the relationship changed in any way since that testimony?

Identify by name the members of the CPUSA who are involved in the peace, nuclear freeze movement in the U.S.; also any organizations associated with the CPUSA in the U.S. peace movement; finally, any foreign communist or intelligence agents involved in any way in the U.S. peace movement.

Were KGB residents in the U.S. instructed to furnish full assistance to the freeze demonstrators in New York for the demonstrations which took place on June 12, 1982?

Answer:

The principal instruments of the Soviet campaign to infiltrate and influence the U.S. peace movement are the Communist Party, U.S.A. (CPUSA) and its front organizations, the U.S. Peace Council (USPC), and the National Council of American-Soviet Friendship (NCASF). The Soviets transmit directives and funding to the CPUSA and NCASF for their operations, including their activities in the peace movement. The USPC was established by the CPUSA at the direction of the CPUSSR International Department, and it serves as the U.S. affiliate of the World Peace Council.

The CPUSA, USPC, and NCASF have been extremely active in the peace movement, and they have participated in the planning and/or activities of major independent peace coalitions, including the Nuclear Freeze Movement, Mobilization for Survival, and the June 12 Committee. The CPUSA, USPC, and NCASF promote Soviet views and policies on peace and disarmament matters, and they work to influence the U.S. peace movement to focus attention on American nuclear weapons systems rather than Soviet weapons systems and to help create the impression that the Soviet Union is more interested than the United States in serious arms control and disarmament negotiations.

The FBI has documented overt and covert Soviet active measures to influence the U.S. peace movement. Some of these active measures operations, such as the operations in connection with the June 12 rally, represent significant Soviet efforts to influence and interfere with the U.S. peace movement.

There is no evidence, however, that the Soviets or the organizations they control have a dominant role in the U.S. peace movement. Soviet-controlled organizations constitute only a few of the literally hundreds of organizations, including environmental and religious organizations, that comprise the contemporary U.S. peace movement. The Soviets recognize that the CPUSA, USPC, and NCASF have credibility problems because of their close association with the Soviet Union and that they do not have the strength or support to control or dominate the movement. Instead, the Soviets use these organizations to promote Soviet views within the U.S. peace movement and to work behind the scenes to focus the movement against U.S. arms control and defense policies.

Nearly all members of the CPUSA who are known to the FBI are involved in the peace, nuclear freeze movement in the United States. The top CPUSA leaders, Gus Hall, Henry Winston, and Arnold Becchetti, are actively involved in the peace movement. Bruce Kimmel, who was the CPUSA representative to the June 12 Committee, is also active in the peace movement.

Michael Myerson and Sandra Pollack, CPUSA national leaders who are also leading officials of the USPC, are among the most active CPUSA members in the peace movement. Karen Talbot, a CPUSA member and U.S. representative of the World Peace Council, is also extremely active in the peace movement.

Question 10:

Is the Bureau aware of any terrorist or military training which residents of the United States have received, since our last hearing, outside the United States, such as in Lebanon, or elsewhere, wherein these United States residents receive the training, then return to the United States? Please give the Subcommittee the Bureau's current assessment of that problem.

Aren't there laws which prohibit United States citizens permanent resident aliens from participating in such training?

Are there any steps, that the FBI is aware of, that can be taken to prohibit non-citizens or non-permanent residents such as students, who take such terrorist training, from reentering the country?

Answer:

The FBI has received information that numerous individuals who reside temporarily in the United States have gone to the Middle East to receive terrorist or military training, and then have returned to the United States to resume their studies at American universities. The individuals, while not known to be directly involved in terrorist activities, do constitute a potential threat to the United States. The activities of those individuals posing a threat to the United States are investigated by the FBI.

Many of those who are non-permanent residents, such as students, are required to return to their homeland on a periodic basis to receive "military training." As long as the United States has its present policy of receiving students from foreign countries, it would be extremely difficult to prevent this type of student from reentering the United States without causing a diplomatic incident with their country.

Question 11:

Does the FBI have any information or indications of African National Congress (ANC), South West Africa People's Organization (SWAPO) and/or Palestine Liberation Organization (PLO) activity (terrorist, propaganda, fund raising, or otherwise) in the United States? Please provide the Subcommittee with a full report concerning the activities of these terrorist groups in the United States.

Answer:

The FBI has no information or indications of ANC or SWAPO activity in the United States.

FBI investigation has shown that the PLO continually attempts to recruit individuals in the United States to support the PLO politically and financially. This organization and its subsidiary groups which have been active in the United States are under current investigation by the FBI.

Question 12:

Beginning with Fiscal Year 1983, terrorism was added to the three previous Priority I programs to form the new, top-ranked National Priority Programs category, which now is comprised of foreign counterintelligence, organized crime, terrorism and white-collar crime.

Please explain to the Subcommittee as fully as possible the circumstances and reasons which precipitated this elevation of terrorism to a top-ranked priority program within the Bureau from the Priority III category in which it was placed previously.

Second, what changes have occurred within the Bureau, for instance, in the areas of resource allocation, manpower, reassignments and training, to support or implement this increased emphasis on terrorism?

Judge Webster has stated that it was not requiring a substantial amount of FBI resources to manage terrorism. What FBI resources (programs, personnel, equipment, money) were required to discharge the FBI's investigative responsibilities in the area of domestic security in 1982? In 1981?

Does the FBI presently have sufficient authority and resources to manage domestic terrorism?

Answer:

The international portion of the FBI's Terrorism Program, because it was part of the Foreign Counterintelligence Program, was a priority program of the FBI. Domestic terrorism, on the other hand, was a priority three matter. Judge Webster stated that although domestic terrorism was a priority three matter when an incident occurred, the investigation of and response to such incident received top priority attention from the FBI. Judge Webster further stated that although domestic terrorism was utilizing less than three percent of our resources, he elevated all of terrorism to a priority investigation "to make it clear on the record that we viewed it as a matter of significant importance."

In other words, the elevation of the Terrorism Program gives it the national emphasis it deserves because of the potential and actual threat posed by terrorist groups to the United States Government and the security of the nation.

The FBI has steadily increased the amount of manpower and equipment dedicated to combating terrorism. The exact amount of resources is classified, but the increase is substantial.

The Terrorism Section at FBI Headquarters is developing training programs to enhance the level of expertise of the investigator who is dedicated to investigating either domestic or international cases.

The FBI does presently have sufficient authority and resources to manage domestic terrorism.

The third part of this question regarding FBI resources (programs, personnel, equipment, money) is answered in question 33.

Question 13:

At the Subcommittee's June 24, 1982, hearing, Judge Webster mentioned that very specific enhancements in the capability and management of the Terrorism Section have occurred, including an increased analytical capability.

Specifically, what were these enhancements and what were the reasons for them?

Were these enhancements part of the process of elevating terrorism to a top-ranked priority within the Bureau?

Explain the development of the FBI's analytical capability beyond that which existed in 1978.

Answer:

The management of the Terrorism Section has recognized that the FBI must continue to develop special abilities to combat terrorism in the United States. To facilitate this effort, training is being conducted, revisions of guidelines were requested, specific direction was given to the field, and a research and analytical unit has been established.

These enhancements were initiated prior to the elevation of terrorism to a priority program and are still continuing to be developed.

In August, 1980, a working group was established in the Terrorism Section to review and compile data on the Ali Akbar Tabatabai murder. This group developed into the Terrorist Research and Analytical Center at FBI Headquarters. The main mission of this unit is to computerize all current information on terrorism in FBI files, and to conduct research and analysis on terrorist related matters. This unit is being staffed with analysts who have graduate degrees, experience in analysis and geopolitical backgrounds. It is responsible for writing the current threat assessments on terrorist groups because of its accumulation of information on terrorism. It is supported in this effort by both internal and external computer systems.

Question 14:

Last year Judge Webster replied to a question submitted after the hearing that the Bureau had no program to monitor and read publications of suspected terrorists, violent, or subversive groups but that the Bureau had the matter under review to determine whether any change in the current practice was warranted.

What were the Bureau's conclusions after the review?

Is the failure to have such a program due to a lack of resources?

Judge Webster has stated that certain statutes proscribe the indexing of materials not pertinent to ongoing investigations. List the statutes and the pertinent language in each. Provide the FBI's analysis and interpretation of those statutes and the rationale for concluding that the FBI is precluded by these statutes from monitoring, reading and/or filing public documents put out by the various terrorist, violent, or subversive domestic groups.

Answer:

The FBI has come to the conclusion that neither the Levi Guidelines nor the newly promulgated Smith Guidelines for Domestic Security investigations prohibits the FBI from collecting public source information on domestic terrorist groups. The concerns in this area are caused by restrictions in the Privacy Act.

The new guidelines specifically permit collection of publicly available information to the full extent permitted by the Privacy Act. The Levi Guidelines, in fact, contain no reference to the collection of publicly available information. The constraint in this regard was contained in the provisions of the Federal Privacy Act of 1974 which prohibits the collection of any information on how an individual exercises First Amendment rights except when authorized by statute or in the course of a lawful law enforcement investigation. Until recently, this prohibition had not been subject to judicial or indeed executive construction and, therefore, was approached with caution by the FBI. A recent decision of the Sixth Circuit Court of Appeals in Jabara vs. Webster suggests that publicly available information could be collected as part of an intelligence investigation. This requires further analysis, but the guidelines make clear that the FBI is authorized to collect such information to the extent permitted by the Privacy Act.

The provision of the guidelines which permits the collecting and indexing of publicly available information is currently under review by the United States Department of Justice.

The Terrorist Research and Analytical Center, Terrorism Section, Criminal Investigative Division at FBI Headquarters was established to review all pertinent information on both domestic and international terrorist groups. This Unit will be tasked to review public source information on domestic groups to the extent allowed by the Privacy Act and the new Domestic Security Guidelines.

Question 15:

How many attacks were there on centralized energy systems such as electric, oil storage and refineries, nuclear plants, etc., in the United States in 1982?

What is the Bureau's assessment of the vulnerability of such energy systems to terrorist attack?

Answer:

The FBI statistics for attacks, such as those requested are not finalized at FBI Headquarters, but the Nuclear Regulatory Commission has recorded 49 incidents at nuclear power plant sites. These are not considered terrorist in nature, but consist of bomb threats, vandalism, intrusions, suspected arson, and firearm violations. There were no terrorist attacks in the United States in 1982 that targeted centralized energy systems.

The physical security of these installations is not under the responsibility of the FBI; therefore, it would be difficult to assess specifically their vulnerability to attack. It should be noted that groups such as proindependence Puerto Rican terrorists have targeted power plants on the island of Puerto Rico, but at the present time, there is no specific information as to any immediate threat from terrorists directed against central energy systems.

Question 16:

Judge Webster has stated that for purposes of managing investigations, the FBI distinguishes between domestic and international terrorism. Please explain fully the distinction as seen by the FBI and the reasons for making it.

Is a terrorist act committed in the United States by a group located in the United States with funding, support, or training coming from outside the United States to avenge an alleged wrong which occurred outside the United States an act of domestic or international terrorism?

Answer:

A terrorist group that originates within the United States and has no international funding, direction, or support is investigated under the Attorney General Guidelines on General Crimes, Racketeering Enterprises and Domestic Security/Terrorism investigations, and is part of the domestic terrorism component of the Terrorism Program. Most criminal acts committed by such groups are part of the domestic portion of the Terrorism Program. If, on the other hand, a terrorist group is supported, directed, or funded from outside the United States or the activities of the group transcend national boundaries, the intelligence investigation directed toward this group is conducted under the Foreign Counterintelligence Guidelines and is part of the international portion of the Terrorism Program. Funding for the investigation of the criminal acts committed by these groups would be part of the Domestic Program or one of the other criminal programs of the FBI.

The criminal act described in the second paragraph of your question would be considered international terrorism.

Question 17:

Please explain in what way, if any, the FBI's computer resources are being used to compile and store information on terrorist groups in the United States. If there is such a program, how long has it been in place?

Answer:

The program to computerize terrorist information began in the Fall of 1980 and is still being implemented. The specifics of the computer system utilized by the FBI to accomplish this mission would have to be discussed with the committee in closed session because the software packages and information contained in the system are classified.

Question 18:

Since 1977, the number of terrorist incidents in the United States are as follows: 1977 - 111; 1978 - 69; 1979 - 52; 1980 - 29; 1981 - 42; and 1982 - 51. Judge Webster states that the net decline from the 1977 totals through 1981 indicates that improved intelligence gathering and the use of special techniques have made law enforcement more effective in fighting domestic terrorism.

Please explain more fully the "improved intelligence gathering" that has occurred since 1977, especially in light of the recent modifications to the Domestic Security Investigations Guidelines which seem to reflect the fact that intelligence on domestic terrorist groups was not what it needed to be.

For each year from 1977 to 1983, list the criteria used by the FBI to include an incident in its annual report as a domestic terrorist incident. If the criteria changed from one year to the next, such as occurred from 1981 to 1982, note the changes in the criteria and the reasons for said changes.

For each year from 1977 to 1983, list the criteria used by the FBI to include an incident in its annual report as a suspected domestic terrorist incident. If the criteria has changed, note the changes and the reason for said changes. Also, provide, for each year, the number of suspected terrorist incidents.

For the years 1977-1983, were the domestic terrorist incidents listed in the FBI's annual report, only those incidents for which credit was claimed by some group or individual. Explain fully.

Answer:

The intelligence cases directed towards domestic terrorist groups are governed by the Attorney General Guidelines for Domestic Security, and those directed toward the international terrorist groups are controlled by the Attorney General Guidelines for Foreign Counterintelligence.

Through the increased use of court authorized surveillance techniques and increased emphasis on the development of human sources, the FBI has increased its intelligence base on both domestic and international terrorist groups.

From 1977 - 1979, the criteria for calling an incident terrorist that the FBI utilized was as follows: If a group or individual labeled as terrorist claimed credit for an incident or if the incident appeared to have been committed by such a group or individual, it was listed in the yearly statistics.

In 1980 and 1981, the criteria was narrowed so as to include in the statistics only those incidents that were claimed by terrorist groups or individuals.

In 1982, the FBI adopted the following definition of terrorism and a terrorist incident:

Terrorism is defined as the unlawful use of force or violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives.

A terrorist incident is defined as a violent act or an act dangerous to human life in violation of the criminal laws of the United States or of any state to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives.

If an incident met this definition and was claimed by a terrorist group or individual, or investigation showed a group or individual known as terrorist was involved, it was listed in the 1982 incident summary.

In the incident summaries for 1977, 1978, and 1979, there were no incidents listed as "suspected terrorist incidents." In 1980, there were 15 suspected terrorist incidents; four in 1981; and one in 1982. They were listed as such because the method of attack or the target indicated that they were politically or socially motivated and that a terrorist group was involved.

The last part of this question is answered above.

Question 19:

In the FBI's 1981 report on terrorist incidents, those incidents listed were those "claimed" by the various terrorist groups. In the 1982 report, no mention is made of whether a group claimed credit for a particular terrorist incident.

Did the groups listed as responsible for the terrorist incidents in the 1982 report also claim credit for the incidents?

If this was not the case for each incident, what is the criteria used by the FBI to assign "responsibility" for the incident to the respective groups?

Why was there this change in format in the 1982 report?

Answer:

The criteria for the FBI calling an incident terrorist in nature was explained in question number 18. All of the incidents in 1982 met this criteria for inclusion in the report.

The criteria for listing incidents as terrorist was changed in 1982 to give a more accurate accounting for terrorist incidents in the United States, and to standardize the statistics.

Question 20:

Is it safe to assume that the 51 terrorist incidents which the Bureau reported for the Calendar Year 1982, do not fully reflect all incidents which have occurred in the United States?

For example, assume a bomb was discovered by an informant and reported to the Bureau; however, action by the Bureau could result in a serious compromise to the informant. Assuming the Bureau could construct a scheme for neutralizing the bomb, would such terrorist activity be publicly disclosed or, out of deference to the informant, would it not be disclosed in the public record, i.e., the annual terrorist incidents report?

Please explain why the Brinks robbery in Nyack was not included in the FBI's report on terrorist incidents for 1981, especially since it has been cited as a good example as to why the Domestic Security Investigation Guidelines needed to be modified.

Has that incident, in which three people died, now been classified as a terrorist incident? Please explain.

Answer:

The 51 terrorist incidents listed in the 1982 terrorist incident summary include all of the known terrorist incidents in the United States.

It is conceivable that due to the sensitivity of some information received by the FBI that a terrorist incident might not be listed in the incident summary, but such was not the case in 1982.

The Brinks robbery in Nyack, New York, was not originally listed as a terrorist incident because it did not become apparent until much of the investigation was complete that the act was committed for political or social objectives. It was, therefore, listed as a suspected terrorist incident in 1981.

The incident is now considered to be a terrorist incident because of the politically motivated statements made by the subjects and because they have been linked to known terrorist groups dedicated to the overthrow of the United States Government.

Question 21:

Since last year's hearing, what new information has been uncovered in the investigation of the Brinks robbery which can be made public, especially with regard to the various terrorist, subversive groups represented (Weather Underground

Organization, Republic of New Africa, May 19th Communist Organization, Black Liberation Army) and to the apparent coalition or connections between those groups which that robbery and the five previous ones seem to represent?

Answer:

A partial study of the files associated with the October 20, 1981, armored car robbery in Nyack, New York, indicates the possibility of a loose affiliation between groups whose members were involved in the robbery, i.e., the Puerto Rican groups (National Liberation Movement, Puerto Rican Socialist League, Armed Forces of Black Liberation Army, New Africa Women's Organization), and left wing groups (May 19th Communist Organization and the John Brown Anti-Klan Committee). There is an analysis being conducted of numerous other related files to eventually determine the exact links that do exist.

Question 22:

During 1982, has the FBI had access to or developed any evidence or indications of coordination, coalition, connections or linkages of any type between the various terrorist, subversive, or violence-prone groups in the continental United States, Hawaii, Alaska, and Puerto Rico?

Any such evidence or indications of such coordination, connections, or linkages with domestic, subversive or violence-prone groups and foreign governments or foreign communist parties?

Answer:

The FBI has received information that Puerto Rican terrorists have received training in Cuba and that some members of subversive groups active in the United States in the late 1960's and early 1970's traveled to Cuba. The FBI has developed no evidence to support the allegation of Soviet support, direction, or control of terrorist activities in the United States.

The review of the files relevant to the October, 1981, armored car robbery at Nyack, New York, has developed information that several members of the groups involved in the robbery have had contact with foreign governments, and in some cases have traveled to these countries. The exact nature of these contacts and the reasons for the travel are not known at this time.

Question 23:

On page 2 of Judge Webster's opening statement, reference is made to a Second Circuit decision.

In light of this ruling handed down recently, reversing the 1981 RICO (Racketeer Influenced Corrupt Organization) conviction of four Croatians, in which it was held the RICO statute is not applicable to political as opposed to mercenary acts, is it now appropriate for the Congress to enact a legislative scheme to more adequately deal with terrorism by creating an offense of "terrorism?"

Answer:

The FBI currently utilizes all of the criminal statutes under its jurisdiction to combat the efforts of terrorists within the United States. The RICO statute, although a most effective tool, is only one of these statutes.

Recently there have been two appeal court decisions that affect the use of the RICO by the FBI. The appeals were by a distinct group of Croatian nationalist terrorists. In both cases the defendants were convicted, inter alia, of conducting a criminal enterprise through a pattern of racketeering activity, in violation of the RICO statute, Title 18, United States Code (USC), Section 1961 et seq. In Ivic, the Court of Appeals reversed the convictions on the RICO count of the indictment because of the Government's conceded failure to establish any financial motive behind the defendants' terrorist activities. The Court held that when an indictment does not charge that the criminal enterprise or the predicate RICO criminal acts have any financial purpose, it does not state a crime under Title 18, USC, Section 1962(c).

In Bagaric a different panel of the Court of Appeals, declining to extend the principle set forth in Ivic, held that in a RICO prosecution the Government need not establish that monetary or financial reward was the overriding and Paramount goal of the members of the criminal enterprise. The Bagaric Court further held that the Government may meet its burden by proving that the criminal enterprise was a profit-making venture, or that certain of the predicate criminal acts had a financial purpose.

All investigations of terrorist groups which involve the RICO statute are being closely coordinated with the Department of Justice (DOJ).

The FBI has supported efforts to pass anti-terrorism legislation in the past and continues to be supportive of such efforts.

Question 24:

In the December 27, 1982, issue of United States News and World Report, it was reported that the FBI is training a new super "SWAT" squad to be known as the National Hostage Rescue Team. It further stated that this Washington-based group will be on call to move quickly anywhere in the United States where terrorists have taken hostages and fortified themselves in a heavily defended building.

Please comment upon this new FBI resource and its functions.

How does this new team relate or fit into the Bureau's elevation of terrorism to the status of a top-ranked National Priority Program?

Will it be used in other than hostage rescue situations?

Answer:

Worldwide attention was drawn to terrorism in 1972 after the murders of Israeli athletes at the Olympic games in Munich, Germany. Although the United States had experienced few acts of terrorism prior to that time, this incident caused an appraisal of our own capability to deal with similar situations. As a result, a number of interagency committees were formed and contingency plans were developed to ensure an effective and coordinated response by the Federal Government to a terrorist incident.

The FBI instituted a Special Weapons and Tactics (SWAT) Program in 1973. The program was created to provide each field office with the means to effectively handle high-risk criminal situations. It became apparent, however, that a greater response capability was essential to resolve the kinds of terrorist situations experienced by other nations. In January 1982, the Director of the FBI established a specialized unit within the Bureau called the Hostage Rescue Team (HRT) which is capable of conducting a sophisticated assault and rescue mission.

The team consists of approximately 50 Special Agents of the FBI who were drawn from field offices throughout the country. Each of the team members underwent vigorous physical and psychological screening at the FBI Training Academy at Quantico. Some of those selected were members of SWAT teams in their respective field offices; others brought specialized skills and experience to the unit.

The HRT is under the command of a team leader who is also an Assistant Special Agent in Charge of the Washington Field Office. Members of the team divide their time equally between their normal investigative responsibilities in the Washington Field Office and the specialized training that is required to maintain their skills. This provides practical experience in the daily operations of the office including arrest, searches and seizures, the collection of evidence, and other activities relating to the investigation and prosecution of crime. It also emphasizes the basic law enforcement nature of the HRT mission.

The initial tactical response to a terrorist incident involving a siege or hostage situation is made by the FBI Special Agent in Charge at the scene, under the supervision of the Director of the FBI who has overall responsibility to contain and resolve the incident. If an incident occurs, FBI SWAT teams from the local field office would seal off the area and try to establish communications through hostage negotiators. Over 90% of all hostage situations in ordinary criminal cases faced by the FBI have been successfully resolved through negotiation. It is only when such negotiations fail and the situation is beyond the capability of the local or regional SWAT teams that the Hostage Rescue Team is employed.

The primary mission of the team is to save lives. Each member of the team receives extensive training in emergency medical treatment, the use of breaching and diversionary devices, and specialized entry techniques. They are also trained in a variety of other skills including special weapons, and tactics for use in a siege or hostage situation where the usual law enforcement apprehension technique would not be effective.

Not only will the HRT be used to fulfill the FBI's terrorism mandate, but it will also be employed in other high-threat criminal matters within the Bureau's jurisdiction. Hijackings, as an example, pose a major threat to both persons and property and are a longstanding concern of the FBI. The HRT provides now the most effective and safest tactical resolution when all other law enforcement efforts fail. With the FBI/DEA alliance in the war on drugs, the team will also play an active part in drug interdiction where the stakes are high and the weaponry sophisticated. Thus, the HRT offers a wide range of applications to enhance the effectiveness of today's FBI.

In summary, terrorism is an international concern and no country is immune, including the United States. The FBI's Hostage Rescue Team adds an important element to the Crisis Management Program of the Federal Government. It provides the means for a measured response to high-risk situations, by skilled, highly trained and experienced Special Agents of the FBI. And it demonstrates the willingness and the capacity of our political system to deal with terrorism promptly, effectively and in a manner prescribed by law.

Question 25:

Does the FBI have any evidence or indications, either as a result of its investigation of the Brinks robbery or from other sources, that the Weather Underground Organization (WUO) or any of its progeny, is still viable or has "survivor indications"* in it?

Provide any information indicating that hostile foreign intelligence services such as the KGB, DGI, etc., have at any time been involved in any way with the WUO, its predecessors or successors.

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*Term Webster used in last year's hearing.

Answer:

A review of the files relevant to the Brinks robbery in Nyack, New York, on October 20, 1981, indicated that some members of the May 19 Communist Organization (the East Coast faction of the WUO) were involved in that robbery. A current domestic security investigation is being conducted on the May 19 Communist Organization.

The John Brown Anti-Klan Committee (JBAKC) is believed to be linked to the WUO and the May 19 Communist Organization. A full domestic security investigation is also underway on this group.

The review of the Brinks robbery files has developed information that several persons involved in the robbery, who are/were members of the WUO, the May 19 Communist Organization, and/or the JBAKC, have had contact with foreign government officials and in some cases have traveled to foreign countries. However, the purpose of such travel has not been determined nor has direct involvement of these groups with hostile foreign intelligence services been determined.

Question 27:

In the last year, has the Bureau had access to or collected any intelligence indicating that the Cuban government supports, trains, equips, or has relations or ties in any respect with the FALN and/or other Puerto Rican independence groups? Any intelligence indicating that such relations or support existed prior to last year?

Does the Bureau have any intelligence indicating other hostile foreign government involvement with or support for these Puerto Rican groups?

Answer:

Allegations of Cuban support for Puerto Rican terrorist groups have been received were based on secondhand or hearsay source reports. No other information has been uncovered to indicate hostile foreign government involvement with or support for Puerto Rican terrorist groups in the past year.

The FBI has received information that Puerto Rican terrorists have received training in Cuba, and that some members of subversive groups active in the United States in the late 1960's and early 1970's traveled to Cuba. The FBI has developed no evidence to support the allegation of Soviet support, direction, or control of terrorist activities in the United States.

Since 1958, Juan Mari Bras, an Attorney who broke with the Nationalist Party of Puerto Rico, and formed the Puerto Rican Independence Movement (MPIPR), now called the Puerto Rican Socialist Party (PSP), has consistently supported the Cuban revolution. Mari Bras has referred to the revolution as the first step in the realization of the "Antillean Federation." In a document published by Mari Bras in August, 1960, he stated that the United States was attempting to undermine the historic solidarity, which has always existed between the people of Cuba and Puerto Rico. The pamphlet, which was published was captioned "The Real Conspiracy Against Cuba And Antillean Solidarity."

In addition, Juan Antonio Corretjer, Secretary General to the Puerto Rican Socialist League, in a public speech at Lares, Puerto Rico, on September 23, 1977, said "the Marxist-Leninst party of Puerto Rican workers will be born and grow in clandestinity, and it will merge from clandestinity for the seizing of revolutionary power."

Both the individuals are well-known leaders of two separate Puerto Rican proindependence groups in Puerto Rico. They have consistently, through the years, advocated a Marxist-Leninist or socialist regime in Puerto Rico independent of the United States, and closely aligned with the Cuban government of Fidel Castro.

Question 28:

Please provide the Subcommittee with a complete report on the activities of the FALN since the last oversight hearing in February 1982, including an assessment of its leadership, membership, financing, support groups, and propaganda support.

Please furnish such report on the other Puerto Rican Independence groups.

Answer:

The FBI continues to investigate the FALN and its members under the Attorney General's Guidelines for Domestic Security and in bombing and terrorist activity.

During the period February 2, 1982, to May 15, 1983, the FALN perpetrated ten bombing incidents in New York City and one bombing incident on the island of Puerto Rico. Responsibility for the bombing in San Juan, Puerto Rico, was claimed by the FALN jointly with two newly emerged Puerto Rican groups, the Boricuan Anti-Imperialist Commandos and the Guerrilla Column 29 September.

Indications are that in spite of the arrest of five FALN members, who were convicted and incarcerated on a variety of criminal charges, the violent activities of the goup continue. Identification of FALN members remains extremely difficult due to the security measures adopted by the group. Funds continue to be provided the FALN from a variety of sources, including religious groups and persons of similar political persuasion on the island of Puerto Rico.

The activities of this group are receiving high priority attention and increased resource expenditures in order to neutralize the violence which has typified this Puerto Rican separatist organization.

The Boricuan People's Army - Macheteros (EPB-Macheteros)

The FBI continues to investigate the EPB-Macheteros and its members under the Attorney General's Guidelines for Domestic Security and for specific criminal violations in relation to its involvement in bombing and terrorist activity.

From February 1, 1982, to May 15, 1983, the EPB-Macheteros perpetrated six terrorist incidents, including one claimed jointly with the Vieques Pro-Liberation Group and another claimed jointly with the Star Group. Incidents include an attack on four United States Navy personnel in San Juan (one killed, three injured) and three robberies of Wells Fargo armored trucks. Operations are believed to be financed through these robberies. No additional leaders and/or members have been identified since 1982.

Question 29:

In what ways does the United Nations or any of its agencies, either knowingly or unknowingly, support or assist Puerto Rican terrorist groups?

Answer:

The issue of the status of Puerto Rico has been brought before the Decolonization Committee of the United Nations. Persons such as Fidel Castro have aired their views and antagonism towards the United States and have attempted to recruit other nations to support the claim that Puerto Rico is a colony of the United States. The United Nations acts within its rights in permitting this issue to be brought before its Committee although thus far no further action has been taken. However, the very fact that a communist dictator whose government is suspected of aiding terrorist groups in the Caribbean speaks before the United Nations on a United States internal issue does encourage Puerto Rican terrorist groups to continue their violent acts, especially in view of the support for them expressed by such appearances.

The FBI has no indication that the United Nations knowingly or unknowingly supports or assists Puerto Rican terrorist groups, but rather that the United Nations, in its efforts on behalf of world peace, permits the presentation of both sides of an issue such as the status of Puerto Rico.

Question 30:

Since our last oversight hearing in February 1982, has there been any information which has come to the FBI's attention which would indicate that illicit narcotic revenues are used to finance terrorist or subversive activities in the U.S., including Puerto Rico?

Answer:

No factual data nor indications have been received to this date to confirm that illicit narcotics revenues are being used to specifically finance terrorist or subversive activities in the U.S., including Puerto Rico. On the contrary, certain terrorist groups seem to be financing their activities through bank, armored car and other robberies. No individual members of terrorist groups have been arrested on narcotics charges since the last oversight hearing in February 1982.

Question 31:

One major area of concern to the Subcommittee is the 1984 Olympic Games to be hosted by the United States in Los Angeles and other locations throughout the country. The Games at any one of the locations would be a prime target for terrorists and, I imagine, much work would need to be done by Federal, state, and local agencies to prepare to interdict or respond to such a contingency. Judge Webster stated in a March 9, 1982, speech that the FBI had been holding meetings on the 1984 Olympics in Los Angeles for over two years.

Is the FBI satisfied with the efforts to date by Federal, state, and local agencies to prepare the security for the 1984 Olympic Games and, in your opinion, will the United States be properly prepared to provide security for the Games?

What will be the role of the FBI with respect to security for the Games?

Please give us an update or status report on preparations for security, what agencies are involved, etc.

Is there currently any evidence or indicators that terrorist or subversive groups in the United States are gearing up for the 1984 Olympics? Outside the United States?

There was a recent newspaper article saying that Department of Defense (DOD) has set aside 50 million for the security of the Olympics. What role does DOD and/or the various military branches play in the provision of security?

Answer:

The 1984 Summer Olympics at Los Angeles, California, is creating a setting that is requiring a major commitment from the FBI. As in the past, the FBI has taken lead responsibility for responding to major incidents of terrorism, and is proceeding with the Federal law enforcement planning and coordination for the 1984 Summer Olympics.

The FBI has obtained its authority as the lead Federal agency for Federal law enforcement during special events, from certain investigative responsibilities assigned to the FBI. These have been primarily the Act for the Protection of Foreign Officials and Official Guests, Assaulting or Killing a Federal Officer, the overall responsibility for combating terrorism within the United States, as noted in the June, 1979, National Security Council document prepared by the Executive Committee on Terrorism, and the mandated responsibilities for FCI matters.

The Code of Federal Regulations provides that within the Department of Justice, it is the FBI which has the lead responsibility for combating terrorism within the United States.

The FBI is preparing, as are other law enforcement and Governmental entities, to respond quickly and effectively to any type of terrorist attack which might occur during the 1984 Olympics. The FBI is also closely monitoring all intelligence information concerning potential activities of other domestic or international terrorists during the 1984 Olympics.

Although there is a potential threat of terrorist activity during the 1984 Olympics because of the high visibility of the target, there is no specific information to indicate an attack is being planned.

The DOD mission is to provide logistical support through the Pentagon's Director of Military Support to law enforcement agencies. The DOD has estimated that up to 50 million dollars may be expended by the military in support of law enforcement authorities in connection with the 1984 Olympics.

Question 32:

At the June 24, 1982, hearing on the so-called "Levi Guidelines," Judge Webster stated that ... "In addressing the domestic security area, we found that we had been engaging in manpower allocations that were not really producing anything of significance and that vast amounts of money were being paid out for information that was not productive; we were paying dues in organizations that were not engaging in anything of significance..."

In what way does domestic security intelligence information have to be "productive" in order to justify the FBI's domestic security intelligence gathering efforts? In other words, in your opinion, what results must be obtained to justify allocation of manpower and other resources to such activity?

Answer:

In our view, the prevention of criminal activity is an inherent responsibility of law enforcement. The very concept of organized crime investigations has always included the prevention of future crimes by the criminal enterprise as well as the prosecution of those involved in crimes in the past. The same concept is fully applicable to enterprises whose goals are political or social rather than financial so long as criminal violence constitutes the means chosen to obtain those goals. Those investigations meeting the goal of detecting, preventing, or prosecuting criminal activity would be considered productive.

Question 33:

Please explain what resources the FBI is devoting to the domestic security intelligence function (man years and dollars).

Does the FBI have an analytical capability as well as a collection capability in the domestic security area? Explain fully.

Have the resources (money, manhours) devoted to the collection and/or analysis of domestic security intelligence remained constant in 1981 through 1983, or have the allocations increased?

How much does the FBI depend on the CIA, NSA, and DIA for its intelligence? In other words, what is the relationship between the FBI and these angencies in the intelligence collection and analysis area? Would you please quantify the input from each agency?

Answer:

In the 1984 Congressional Justification Book, which the FBI furnished to both the Senate Select Committee on Intelligence and the United States House of Representatives Permanent Select Committee on Intelligence, it was stated that the complete Domestic Terrorism Program utilized 177 work years to combat terrorism. Twenty-nine of those work years were dedicated to terrorism - intelligence. This represented 1.263 million dollars. The total domestic portion of the Terrorism Program spent 7.551 million dollars in fiscal year 1982.

The Terrorist Research and Analytical Center (TRAC) of the Terrorism Section at FBI Headquarters is responsible for all computerization of data on terrorism and research and analysis on all data relevant to either domestic or international terrorist groups.

The resources for domestic terrorism, of which domestic security investigations are a part, decreased from 1981 to 1982, but they remained the same in 1983, as was allocated in 1982. An increase has been requested for 1984.

The FBI is considered a part of the intelligence community in its FCI and Terrorism Programs. The information flow between the components of the intelligence community is excellent. The FBI is the recipient of intelligence from CIA, NSA, and DIA regarding international terrorist groups activities outside the United States.

Question 35:

What input, if any, did the Intelligence Division and/or the Criminal Investigative Division have into the process of reviewing and modifying the so-called "Levi Guidelines?"

Are you satisfied with the changes in the Domestic Security Investigation Guidelines? Will these changes better enable the Bureau to do its job of gathering intelligence in the domestic security area?

As of March 20, 1983, how many groups and individuals were under investigation under the "Levi Guidelines?"

Please submit for the record the names of each group and individual and a summary of each case.

Answer:

The Criminal Investigative Division was involved extensively in the formulation of the new guidelines.

In our view, the current guidelines are adequate to deal with the fluid structure of present day terrorist groups which do not have the organizational framework with which we were familiar in the past. This is a primary reason for adopting the enterprise concept. In addition, experience taught us that informant coverage had diminished to the point where adequate intelligence was difficult to obtain. Added to these concerns is the growing complexity for field agents of distinct sets of guidelines that have been adopted over the years providing different standards, different reporting periods, and different approval levels for the investigations that are closely related. The consolidation of the Domestic Security Guidelines with the other provisions governing criminal and criminal intelligence investigations permits us to streamline the rules for the agents who must conduct these investigations. We remain committed to the highest standards of professionalism in conducting domestic security/terrorism investigations, consistent with the law and rights of our citizens.

As of March 20, 1983, 20 groups and 31 individuals were being investigated under the Levi Guidelines. The following is a list of groups under full investigation by the FBI under the Levi Guidelines:

Armed Forces of Popular Resistance
Armed Forces of Puerto Rican National Liberation
Black Guerrilla Family
Communist Workers Party, aka Workers Viewpoint
  Organization
Jewish Defense League
John Brown Anti-Klan Committee
May 19th Communist Organization
Movement of National Liberation
Republic of New Africa

The names of the individuals under investigation and the names of the groups which were under less than full investigation are not being furnished for the public record because such disclosure of ongoing investigative matters could jeopardize the investigative efforts of the FBI. Such information could only be furnished in closed session.

Question 37:

The FBI is requesting $170,552,000 above appropriated levels for 1983. This increase represents program increases of 461 positions. Absent this increase, what is your total "on-board" agent staff at this time?

How many of the new positions will be used to staff areas relating to the new terrorism priority?

Answer:

As of March 31, 1983, the FBI had a total of 7,990 agents on the rolls. For FY 1984, a total of 158 additional positions have been requested to staff the areas of the Hostage Rescue Team and International Terrorism.

Question 38:

In his opening statement, Judge Webster stated that 38 million dollars are being requested for the FBI's Automated Data Processing and Telecommunications (ADPT) program to complete the first of six regional computer centers to automate FBI administrative, investigative and managerial reporting systems and that 41.7 million dollars are being requested to automate the Fingerprint Identification Processing System.

If these requests are granted, what savings to the Bureau will result in manpower, efficiency, timeliness of response, etc., once these programs are automated?

Answer:

The majority of the $38 million in the ADPT program is for the Field Office Information Management System (FOIMS). With this funding, the first of six regional centers would be completed in FY84. Current plans call for the implementation of one center per year until all six regions are finished and FOIMS is fully implemented.

Delaying implementation of FOIMS forces FBI field offices to continue to operate in a manual environment without the aid of automated support. It requires that the FBI request additional support personnel work years that would be avoided under FOIMS to achieve the same level of productivity available in an automated environment. It also limits the effectiveness of all FBI personnel to the level currently achieved under the manual system.

The current estimate of avoided work years under full FOIMS implementation is $48.4 million (2420 work years) per year, the estimates of operational cost savings is $11.4 million per year and the estimate of increased personnel effectiveness (enhanced capabilities) under full FOIMS implementation is $96.0 million per year. Thus, for every year that full FOIMS implementation is delayed, benefits in excess of $155 million are lost.

The $41.7 million is for the Fingerprint Identification Processing System (AIDS-III). Through the use of prototype equipment and pilot system operations the technological feasibility of AIDS-III has been proven by demonstrating the improvements in accuracy achievable in an automated system.

The main advantages to completing the automated project through implementation of AIDS-III are in the areas of improvement in processing time and cost savings. AIDS-III will allow processing of work through the FBI's Identification Division which now takes from ten to fifteen workdays in less than one workday. The resulting fully-integrated, highly-efficient system will also improve accuracy by increasing the volume of automated processing of work and reducing the potential for introduction of human errors.

A study was performed in 1982 proving the economic feasibility of AIDS-III. This study showed an annual savings in constant 1982 dollars after full implementation of AIDS-III of more than $8 million per year. The payback period on the investment to implement AIDS-III will occur within five years of start of operation.

Question 39: (a) **With reference to the Freedom of Information Act, please give the subcommittee the Bureau's current recommendations as to amendments which would enhance the Bureau's ability to perform its mission.**

(b) **Would the Bureau favor a total exemption in the areas of terrorism, foreign counterintelligence and/or organized crime?**

(c) **With reference to domestic terrorist activity, what definition of terrorism does the Bureau propose in order to get a total exemption in that area under FOIA?**

(d) **Would an eight year exemption be realistic in the area of domestic security investigations? If a total exemption was not granted, what period of time would the Bureau request?**

Answer: (a) **In response to requests from Congressional Committees, I have submitted several proposed amendments to the Freedom of Information Act. The Bill recently introduced by Senator Hatch entitled, "The Freedom of Information Reform Act," addresses many of the FBI's recommendations. Among these are protection for law enforcement manuals, specific protection for organized crime, and an exclusion for informant records maintained under the informant's name or personal identifier. While I continue to favor further protection for terrorist and**

foreign counterintelligence investigations, I am convinced this Bill contributes significantly to the interests of law enforcement.

(b) Senator Hatch's Bill, which I discussed previosuly, provides for an exclusion of organized crime records from the compulsory disclosure provisions of the FOIA for a period of 5 years.

One of the advantages of such an exclusion, is that the FBI would no longer be required to alert the requester of a pending investigation by asserting a specific exemption.

While I continue to favor similar protections in the areas of terrorism and FCI, I support the proposed Bill of Mr. Hatch.

(c) The criteria by which the FBI defines terrorism is as follows:

Terrorism is defined as the unlawful use of force or violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives.

I must emphasize that this is our operational definition which we use to evaluate a criminal investigation to determine whether it is terrorist in nature.

It may also be applicable in a FOIA context, but we are willing to work with Congress to construct whatever definition that Congress considers suitable.

(d) Our proposals for amendments to address our National Security concerns dealt with foreign counterintelligence.

The nature of Foreign Counter-Intelligence (FCI) investigations is similar to organized crime investigations in that they are complex, sensitive and lengthy. For this reason, I clearly favor an exclusion in the area of terrorism and FCI which is similar to the organized crime provisions of the Bill recently introduced by Senator Hatch.

However, I believe it is more important to secure fair and serious consideration of the Hatch Bill with the hope of passage, rather than risk defeat by insisting on a specific exclusion of a fixed number of years.

Question 40:

A recent issue of United States News and World Report carried a story on the Nuclear Emergency Search Team, called NEST, which appears to be a special unit formed to respond to, among other things, threats or incidents of nuclear terrorism.

Please describe NEST, its mission, and the role the FBI plays in it.

Answer:

The Nevada Operations Office (NV) of the United States Department of Energy (DOE) was tasked to form a special group of scientists, engineers, technicians, and developed equipment and procedures to provide technical assistance to the FBI in responding to a threat by an individual or group to detonate a nuclear explosive or to scatter radioactive material.

The group is called Nuclear Emergency Search Team (NEST). Appropriate elements of NEST can be rapidly mobilized and transported to the scene of a threat. DOE personnel and equipment are prepared to evaluate threat credibility, conduct a search, perform diagnostics, assess probability of nuclear yield or spread of radioactive material, assess damage potential, and assist in render safe and disposal operations.

Question 41:

A February 10, 1983, New York Times report states that Director Webster ordered a two-month delay in an arrangement under which the Secret Service would use the Bureau's computer to keep track of people it considered dangerous to those protected by the Service.

The delay was approved to give the Congressional Subcommittee on Civil and Constitutional Rights time to further consider the new computerized tracking system.

DOJ has already testified that in the opinion of its legal counsel, no new legislation was required to make sure the computer arrangement would not be abused, given the abundant Congressional oversight which is afforded the Bureau. Professor Donald L. Doernberg of Pace University testified that the Bureau did not have the legal authority.

What we appear to have is a difference of opinion on the part of the DOJ legal counsel and a law professor. Why didn't the Director accept the opinion of Mr. Olson, the Department's legal counsel and simply proceed with the implementation of this program?

Did the Subcommittee on Civil and Constitutional Rights request the delay?

On what day will the plan be implemented?

Answer:

The two-month delay was granted to accommodate a request of the Subcommittee on Civil and Constitutional Rights.

The plan was implemented on 4/27/83.

Question 42:

Question: I am increasingly concerned with the growing problem of pornography in this country. Please provide the Subcommittee with your assessment of the FBI's responsibilities with regard to this problem and highlight what significant steps the Bureau has taken, especially in 1982, to combat pornography.

Answer:

The FBI provides investigative priority to Sexual Exploitation of Children cases, particularly those involving large scale distributors, organized crime, or distributors dealing in especially offensive material who are subjects of numerous complaints.

Under the Sexual Exploitation of Children Act, Public Law 95-225, the Department of Justice has advised U. S. Attorneys' Offices that prosecutive priority should be given to matters involving the Sexual Exploitation of Children.

The FBI also provides investigative priority to those investigations involving traditional organized crime control of the pornography industry.

The FBI's successful infiltration of the pornography industry as evidenced in the Miporn investigation was a significant accomplishment in obscenity law enforcement. Current investigations have revealed a subculture of criminals who exploit children and have been successful at avoiding prosecution for violation of the obscenity statutes. Our current investigations are in keeping with established investigative priorities and are aimed at an area of utmost concern to the American public.

On June 30, 1982 all FBI field offices were advised of our firm commitment to vigorously pursue cases involving Child Pornography and Sexual Exploitation of Children.

The FBI has primary investigative jurisdiction over Title 18, United States Code, Section 2251 and shares investigative jurisdiction with the U. S. Postal Service regarding Title 18, United States Code, Section 2252, depending whether the child pornography is shipped in interstate or foreign commerce, or is mailed.

Since the enactment of Congressional Legislation on 2/6/78 dealing with the use of children in the production of films and photographs depicting sexual activities, as well as the distribution of obscene material depicting children in such activities, the FBI has initiated 482 investigations. These investigations have revealed the largest percentage of child pornography available in the United States today was orginally produced for the self gratification of members of a clandestine subculture of violators and was not necessarily produced for any commercial purpose. However, investigations have revealed that commercial photographers and major distributors pose as members of this subculture and obtain free of charge the sexually explicit photographs of minor children. As a result, many of the photographs taken for private use and obtained by these commercial photographers and pornographic distributors subsequently appear in child pornography magazines which have wide commercial distribution. Neither the child posing for the picture nor the original photographer receives any payment from these commercial photographers or major distributors. Therefore as a result of testimony by the FBI and Department of Justice before Congressional Committees regarding Child Pornography and Sexual Exploitation of Children, new bills have been introduced to remove the pecuniary profit requirement of Title 18, United States Code, Section 2253. The removal of this requirement will broaden our ability to effectively investigate violators of these matters.

From October 1978 to May 1981, the Baltimore Office of the FBI conducted a major RICO undercover investigation targeted against Bon Jay Sales Incorporated, described as one of the largest distributors of pornographic material on the East Coast. On May 26, 1981 Jack Gresser, the owner of Bon Jay Sales and seven other subjects were indicted by a Federal Grand Jury for violation of the RICO, Interstate Transportation of Stolen Property, Interstate Transportation in Aid of Racketeering-Prostitution and Copyright Matters Statutes. On September 9, 1982 all subjects, having plead guilty in United States District Court, District of Maryland were sentenced to probationary terms ranging from five years to one year and a total court imposed forfeiture of $400,000.

From October 1981 until April 1982 the Albany Division of the Federal Bureau of Investigation conducted an undercover operation targeted against Anthony William Petrov, owner/operator of a film processing company, Spectra Photo, located at Sycracuse, New York. On 4/19/82 FBI Agents executed a search warrant on Spectra Photo and recovered photographs depicting child pornography, beastiality, sadomasochism and computer records of the names and addresses of over 20,000 Spectra Photo customers. Simultaneously, eleven other FBI field offices conducted searches of subjects identified during the course of this undercover investigation. On December 17, 1982 a Federal Grand Jury at Syracuse, New York returned a twelve count indictment charging the owner and two employees of Spectra Photo with Conspiracy and the Sexual Exploitation of Children as well as violation of the Mailing of Obscene Material Statutes. In addition nine customers of Spectra Photo were charged in separate two count indictments with Conspiracy and Mailing of Obscene Material. Prosecution in this case is pending.

During May 1982 a joint FBI/Los Angeles Police Department investigation resulted in the arrest of Catherine Wilson who was responsible for the distribution of a major percentage of commercial child pornography in the United States. Wilson, a mother of five children, ran a pornography company in Los Angeles, California with a mail drop in Copenhagen, Denmark. Wilson is currently free on one million dollars bail and prosecution is pending in this matter.

Question:

Please identify the relevant Federal statutes and the Bureau's present investigative policy with respect to each statute.

Answer:

The FBI investigates the Interstate Transportation of Obscene Matter under Title 18, United States Code, Sections 1462, 1464, and 1465. The investigations of the Sexual Exploitation of Children concern violation of Title 18, United States Code, Sections 2251, 2252 and 2253.

The FBI investigative policy with respect to the above statutes mandates that all obscene exhibits be immediately submitted to FBIHQ at the earliest possible moment after they have been obtained by FBI Agents. FBIHQ has established an obscene matter file in the FBI Laboratory in which obscene exhibits are filed. Exhibits maintained in this file are compared with questioned exhibits submitted in current cases. FBIHQ has also established a section in the single fingerprint file devoted exclusively to the fingerprints of manufacturers and major distributors of obscene material. This material is reviewed at FBIHQ with regard to its character as an obscene exhibit. The material is compared with specimens already in the obscene matter file of the FBI Laboratory and any latent fingerprints developed thereon are searched through the obscene matter dealers section of the single fingerprint file to determine its source. These materials are compared with specimens already in the obscene matter file of the FBI Laboratory for information that may indicate that the questioned obscene material has moved in interstate commerce. Cases involving the sexual exploitation of children receive investigative priority. These cases involve large scale distributors who realize substantial income from multi-state operations and cases in which there is evidence of involvement by known organized crime figures.

Because of the nature of the violators and the difficulties frequently encountered by local prosecutors, serious consideration is given to Federal prosecution of a noncommercial child pornography case if investigation has shown that there has been more than three seizures over the past year, a large quantity of child pornography has been imported at one time, the subject has a history of crimes against children, or is a known member of a family sex group. Federal prosecution is also warranted where the subject's employment involves children, photographs are obtained depicting the subject involved in sexual activity with children, or correspondence with other pedophiles or undercover FBI Agents relates to sexual involvement with children and the distribution of material. Each of these noncommercial child pornography cases are individually examined by the United States Attorney's Offices to see if prosecution is warranted. Regardless of what decision is made with regard to prosecuting Federally, if there are indications that child abuse is present, the FBI ensures that the matter is called to the attention of local investigators and prosecutors.

In addition to the FBI and the U. S. Postal Service, the United States Customs Service has an investigative interest in the importation of pornographic material into the United States. In most instances the materials seized by the Customs Service are held until forfeiture proceedings are completed and thereafter the materials are destroyed. The FBI has instituted appropriate liaison with U. S. Customs Service in order that material can be turned over to the FBI in lieu of destruction by the Customs Service. When materials seized by Customs are destroyed, valuable intelligence data for technical laboratory comparisons is lost. Proof of foreign origin of such materials including the identities and addresses of individuals and companies engaged in this foreign commerce can be documented by our FBI Laboratory for future comparisons with other submitted pornographic material.

FBI policy emphasizes investigations of the Sexual Exploitation of Children-Child Pornography statutes.

Obscenity laws have generally been directed against the producers and distributors of child pornography. The new laws place particular emphasis on the exploitive nature of child pornography and on its corruptive influence on minors used in its production. The intent of the Sexual Exploitation of Children Legislation appears to distinguish between the production of pornography using children and material using consenting adults.

Consistent with our limited resources in the organized crime field, the FBI will investigate traditional organized crime involvement in the violation of applicable Federal obscenity laws. Investigative priority is also dedicated to those cases involving children.

Question: Please list the numbers of Interstate Transportation of Obscene Matter investigations now pending.

Answer:

As of January 31, 1983, 64 investigations are pending for violation of the Interstate Transportation of Obscene Matter statutes.

Question: List the numbers of such cases opened in 1982.

Answer:

During Fiscal Year 1982 the FBI investigated 331 cases for violation of the Interstate Transportation of Obscene Matter statutes.

Question: List the numbers of such investigation closed during 1982.

Answer:

During Fiscal Year 1982 262 investigations concerning the Interstate Transportation of Obscene Matter were closed. This number represents 182 administrative closings, 80 United States Attorney declinations.

Question: List the numbers of cases indicted in all federal judicial districts in 1982.

Answer:

During Fiscal Year 1982 8 indictments were returned for specific violation of the Interstate Transportation of Obscene Matter statutes.

Question: List the numbers of defendants indicted and the disposition of each case by numbers of pleas, convictions after trial, acquittals, or dismissals.

Answer:

During Fiscal Year 1982 the following statistical accomplishments were obtained for investigations concerning the Interstate Transportation of Obscene Matter:

Complaints-1

Informations-5

Indictments-8

FBI Arrests-4

FBI Locates-1

Criminal Summons-8

Pre Trial Diversions-1

Convictions:Misdemeanors-2
Felonies-15

Fines-$4,900

Recoveries, Restitutions and Court Ordered Forfeitures-$5,132

The above statistical accomplishments do not identify the number of pleas, acquittals, or dismissals. This type of data is not tabulated by the FBI.

Question 43:

Current tax law requires that reimbursement for transfer expenses be included (except for $3,000) in the transferees gross income. Has this worked a hardship on FBI agents who have been transferred? Please explain.

Answer:

Federal tax law requires that certain transfer reimbursements be considered as income for tax purposes. There is a $3,000 deduction from taxation allowed on such reimbursements made up of a maximum of $1,500 for real estate expenses and a maximum of $1,500 for househunting trips and temporary quarters allowances. Also, miscellaneous expenses up to $700 per transfer are taxable as income. This taxation works a hardship on our transferred employees in that they are required to pay Federal income taxes on transfer reimbursements which, in fact, are not income; and in most instances such transfer reimbursements, when added to their annual salary, subject their entire salary to the higher tax brackets. Based on our day-to-day working relations with transferred employees, this has been identified as one of the major problems affecting them. In a recent survey of selected employees, this taxation was highlighted as one of the major financial problems affecting our transferred employees and their families.

Question 44:

The Bureau has stated that reporters are infrequently, if ever, the targets of a leak investigation. It has also been said that the number of officials with access are usually too large to allow for the identification of a specific individual, and even when an individual is identified, his prosecution or dismissal could validate the information.

If all this is true, why do we waste valuable FBI resources in what appears to be an exercise in futility?

How many leak investigations have been conducted in 1982?

How many of the leakers were identified?

How many were separated from their employment?

How many were indicted, and of those indicted, how many were convicted?

How many FBI Headquarters and field manhours were expended during these investigations?

Answer:

Media leak cases are investigated as Disclosures of Classified Information as defined under the Espionage Statutes, Title 18, Section 793. This statute is within the FBI's investigative responsibilities and therefore merits the FBI's investigative efforts.

Media leak cases have been of concern by past administrations, and this concern continues under the present administration. Recently, the President signed the National Security Directive Decision number 84 (NSDD 84), Safeguarding National Security Information, allowing greater flexibility in the use of polygraphs to identify leakers. NSDD 84 will encourage the Department of Justice to direct FBI resources into those leak cases that may result in administrative sanctions only, instead of limiting FBI investigation to those cases having prosecutive merit.

Media leak cases are investigated only when classified material is compromised. By necessity, those questions concerning the number of cases, the results, and the number of manhours expended by the FBI are classified.

However, there have been no indictments or convictions of a media leak case.

QUESTIONS SUBMITTED BY SENATOR EAST

Question 1:

What is the extent of Communist Workers Party (CWP) activities in the District of Columbia and the D.C. Metropolitan area?

Answer:

The CWP is not known to be active in the D.C. Metropolitan area at this time.

Question 2:

Is the group known as the Spartacist League or any of its affiliates the subject of a domestic security investigation by the FBI?

Answer:

The Spartacist League (SPL), founded in 1965 by former members of another Trotskyist-Communist Organization, advocates the destruction of the capitalist system, and the creation of a workers class system and a workers class society. The SPL national headquarters is located in New York City. While the SPL does not openly advocate the violent overthrow of the United States Government at this time or violations of other Federal or state laws, the SPL does believe that eventual violent revolution to overthrow the present capitalist system of Government in the United States is inevitable. The SPL is not the subject of an FBI investigation.

Question 3:

Is the group known as the World Workers Party or any of its affiliates the subject of a domestic security investigation by the FBI?

Answer:

The World Workers Party is not the subject of a domestic security investigation. Neither are any groups affiliated with it.

Question 4:

Is there any indication of a connection between the Communist Workers Party (CWP) or its adherents and those groups or individuals believed to have been involved in the armed robbery of a Brinks armored car in Nyack, New York, on October 20, 1981?

Answer:

At this time the FBI has no indication of a connection between the CWP and groups represented by the participants in the Nyack, New York armored car robbery on October 20, 1981.

Question 5:

The New York Post of October 29, 1981, reported that Nathaniel Burns, held in connection with the Brinks robbery in Nyack, had received guerrilla training from Cuban advisers to the MPLA in Angola and had fought for SWAPO. Can this report be verified?

Answer:

A study of FBI files associated with the Brinks robbery of October 20, 1981, does not reveal information verifying the New York Post report of October 29, 1981, that Nathaniel Burns, involved in the Brinks robbery of October 20, 1981, had received guerrilla training from Cuban advisers to the MPLA in Angola and/or had fought for SWAPO.

Question 6:

Give an assessment of the results to date of the full domestic security investigation of the Communist Workers Party (CWP), specifically:

(a) The estimated membership of the CWP nationally, in North Carolina, and the District of Columbia and the Metropolitan area.

(b) The estimated financial resources available to the CWP and the estimated source of such resources.

(c) The kinds of activities and issues in which the CWP is involved.

(d) The potential for violence on the part of CWP nationally, in North Carolina, and in the District of Columbia and the Metropolitan area?

Answer:

(a) CWP national membership has been estimated at 2,000 members with approximately 500 located in New York City. While the exact membership of the North Carolina chapter of the CWP is unknown, several of their most active members have been identified primarily through unlawful activities culminating in their arrest. Various CWP demonstrations and meetings have gathered from 10 to 250 CWP members or interested spectators. There is no known CWP activity in the District of Columbia or Metropolitan area.

(b) There is no indication at the present time that the CWP is receiving outside funding, either from foreign or domestic sources.

(c) A full domestic security investigation was initiated on the CWP on November 5, 1979, as a direct result of a violent confrontation between the CWP, members of the Ku Klux Klan and the American Nazi Party in Greensboro, North Carolina, on November 3, 1979, when five members of the CWP were killed. The CWP, formerly known as the Workers' Viewpoint Organization, is a militant Maoist group that advocates an armed uprising of the masses, and the violent overthrow of the United States Government.

Since November of 1979, the CWP has been responsible for incidents including the takeover of numerous Federal buildings, and attacks on police officers and a Presidential candidate. Several CWP members have been arrested at demonstrations which became violent, usually for assault and weapon violations. Two CWP members and a third person were convicted for explosive violations involving their attempts to bomb a shipyard in San Diego, California.

(d) The Military Defense Unit of the CWP is a highly secretive organization, comprised of hard core CWP members who train, carry, and use various weapons. Their function at demonstrations is to position themselves on the periphery of the event and act as security.

There are currently no known incidents of violence planned by the CWP nationally, in North Carolina or the District of Columbia.

QUESTIONS SUBMITTED BY SENATOR HATCH

1. QUESTION: The Attorney General's Task Force on Organized Crime found that criminals use FOIA to obtain information "which they intend to use to evade criminal investigation or retaliate against informers." Task Force, Page 41. Is this finding applicable to organized terrorism as well? Could you further characterize the amount and type of FOIA abuse in the area of organized criminal activities?

ANSWER: On December 10, 1981, I testified in executive session before the Judiciary Committee's Subcommittee on the Constitution. At that time I described cases in which hostile foreign intelligence services, organized crime figures, and members of terrorist groups have used the Act to identify FBI informants and frustrate FBI investigations.

I also prepared for the public record examples about which I testified. Several of those examples bear repeating in response to the matters being considered today.

A few years ago, we were notified that an informant who had furnished considerable information concerning the Weather Underground was upset that former and current members were filing Freedom of Information Act (FOIA) requests in an attempt to identify informants.

This information was correct. From 1975 through 1981, over seventy members or former members of the Weathermen made FOIA requests of the FBI. In addition, the FBI released over sixty thousand (60,000) pages of documents concerning the organization to an attorney representing individual members.

You may also recall that on October 20, 1981, a Brinks' guard and two police officers were killed during the commission of an armored car robbery in Rockland County, New York.

Among those charged in connection with this incident were persons associated with the Weather Underground. Of those persons who have been charged in connection with these killings, several received documents from the FBI pursuant to the FOIA.

In a different matter, a group whose members advocate the violent overthrow of the United States made FOIA requests to the FBI.

We withheld almost all the information in the files. As the Act requires, we cited the exemptions upon which we relied which in these cases were the exemptions for classified information and for informant information.

Even with maximum utilization of the FOIA exemptions, our responses told them that we knew about them and that an informant was in their group.

The effectiveness of our source was brought to an end as was our access to reliable information concerning the group's future activities.

You may recall too, on November 2, 1979, Joanne Chesimard escaped from prison where she was serving her sentence for killing a New Jersey State Trooper. She left behind in her cell about 1,700 pages we had released to her under the FOIA.

New Jersey authorities who studied those documents are convinced the information she received made the task of apprehending her again more difficult.

I cannot say whether or not the FOIA has assisted Joanne Chesimard in her successful attempt to frustrate the efforts of law enforcement to apprehend her. I do know she was reading the documents when she escaped, and I do know she remains at large.

2. QUESTION: Criminals often obtain confidential information through FOIA requests by piecing together bits of information in the disclosed records with their own knowledge to reveal a likely informant or the status of an investigation. For instance, if they can learn the date that the FBI learned of a plan from an informant, they can figure out who the informant is because they know when different individuals in their organization learned of the plan. This is the so-called mosaic effect,

whereby a single piece of information, like a date, can fit together with other information to form a complete picture. Would this mosaic effect be even greater with organized terrorism which has an institutional memory, sophisticated record-keeping, and access to information processing capabilities? Could you supply other specifics concerning the dangers of the mosaic effect?

ANSWER: Certainly the more sophisticated an organized terrorist group is, the better equipped it would be to decipher the meaning of information. Each individual piece of intelligence information, much like a piece of jigsaw puzzle, may aid in putting together other bits of information even when the individual piece is not of obvious importance in itself.

To further illustrate the point, a case was recently brought to my attention. A Spanish language periodical, in an article published early this year, contained a photograph of an FBI document excised under the Act and a step-by-step analysis by the author to determine the identity of a suspected FBI informant. The author combined his knowledge of the membership of an organization with the information on the FBI document and made an educated guess as to the informant's identity. I won't comment on the accuracy of the statements in this article. This case illustrates there are those who believe they can obtain protected information through analysis of released documents and are actively attempting to do so.

In 1980, our agents were called upon to explain to a United States District Court Judge how disclosure of a document containing information furnished by an FBI informant would risk revealing his identity.

The document recorded the details furnished by the source about an organizational meeting of an unspecified number of foreign counterintelligence subjects. The meeting was attended by two informants. The court initially ordered all information disclosed except the names of individuals identified in the documents and the identifiers of our informants. We asked the court to reconsider.

The court did reconsider and amended its order after our agents appeared in camera in response to the Judge's invitation. Our agents demonstrated that dates and places in FBI documents, combined with an organization's own minutes and attendance records, provide the first steps in a gradual identification process. Informants, such as these, regularly covered the meetings of these individuals and faithfully reported their observations, which were in turn recorded and filed as FBI records. Patterns of attendance compared with the coverage of the FBI reports indicate when and where the FBI's sources were present. As more and more documents are made available for comparison, the FBI's sources become increasingly vulnerable.

The Bill recently introduced by Senator Hatch entitled, "Freedom of Information Reform Act" deals directly with the "mosaic" problem and provides that an agency may consider whether the disclosure of particular information would, in the context of other information available to the requester, cause the very harm which the agency seeks to prevent by the assertion of exemptions. This provision in your Bill recognizes the "mosaic" problem and should go far to alleviate this problem in processing Freedom of Information Act requests.

3. QUESTION: Last year, the Senate Judiciary Committee approved a bill S.1730, which protected any law enforcement record concerning an organized crime investigation for up to 8 years after its creation from disclosure under FOIA. Would this protection from FOIA abuse be needed in the area of terrorism? What about foreign counterintelligence?

ANSWER: The Senate Judiciary Committee did approve a Bill in 1982 which provided for a moratorium of up to eight years on organized crime files. This moratorium is tantamount to an exclusion from access under the Freedom of Information Act (FOIA) as opposed to a mere exemption. This exclusion avoids any problems we have encountered with pending investigations. Under the proposed Bill, if the FBI is conducting an organized crime investigation and does not wish to alert the target of that investigation, the FBI could inform the requester that there are no records accessible under the FOIA. This response avoids the risk of having the subject evade detection by destroying evidence, discontinuing the particular criminal activity or otherwise frustrating our investigation.

The law now requires the assertion of a (b)(7)(A) exemption (interference with law enforcement proceedings), which alerts him to our investigative interest.

A similar exclusion in the area of terrorism and foreign counterintelligence would greatly reduce the risk of early detection and circumvention of our investigations.

There are additional benefits derived from an exclusion for organized crime, terrorism and foreign counterintelligence records. For example, it would reduce the possibility of inadvertent releases caused by human error; eliminate release of information which on its face is innocuous, but might be significant to the requester; and, finally, insure protection of informant information contained in those particular records.

Exclusion for a defined time period takes the guesswork out of FOIA processing. More importantly, by eliminating premature disclosure in these cases, the FBI's investigative mission will not be impaired.

4. QUESTION: A 1982 Drug Enforcement Administration study revealed that 14% of DEA's investigations are "aborted, significantly compromised or reduced in scope" due to FOIA disclosures. Does this study of 400 random investigations indicate a trend in organized crime and terrorism to use FOIA even more extensively than in the past? Is the experience of the FBI similar to that of the DEA? In what ways?

ANSWER: We have reviewed the Drug Enforcement Administration (DEA) study entitled, "The Effect of the Freedom of Information Act on DEA Investigations." Although some of the examples cited in the study may involve organized crime and terrorism, the study does not specifically address these areas as such.

Therefore, trends regarding organized crime and terrorism cannot readily be drawn from the study.

The FBI and the DEA have requested their field offices to report on the effect of the Freedom of Information Act (FOIA) on specific investigations. The examples cited by both agencies demonstrate similar problems in recruiting and retaining informants, in disrupting relationships with state and local law enforcement agencies, in obtaining information from the private sector, and in jeopardizing current investigations.

In 1980 we conducted a survey of 4,100 Special Agents assigned to our 59 field offices. The results of this survey as related to the FOIA and Privacy Act indicate that 70.3 percent indicated that the FOIPA had diminished their ability to develop quality assets/informants.

5. QUESTION: Have you observed a decrease in the amount and quality of informant cooperation due to fear that confidentiality may be jeopardized by FOIA?

The GAO documented such an effect in their 1978 study; is that effect growing with time?

ANSWER: We have offered substantial documentation on the reluctance of sources to cooperate with the FBI due to fear that confidentiality may be jeopardized by the Freedom of Information Act (FOIA). Many of these examples are documented in our report entitled, "Impact of the Freedom of Information Act on the FBI."

Sometimes it is difficult for us to conclusively prove that the FOIA has caused a significant drop or change in the amount of investigative assistance we receive from informants, concerned citizens, law enforcement agencies and others. In many cases we will never be sure why a source, or a potential source, of information declined to provide vital information to us.

However, we continue to receive reports of instances wherein sources have been reluctant to furnish information to the FBI due to fear that confidentiality may be jeopardized by the FOIA.

6. QUESTION: What more can Congress do to protect informants and investigations from being compromised by a FOIA disclosure?

ANSWER: The FBI has sought amendments to the Freedom of Information Act (FOIA) for several years to protect informants and investigations from being compromised by an FOIA disclosure. We presented proposals and supported the Administration's proposals to amend the Act. Among these proposals are: specific protections for organized crime, terrorism and foreign counterintelligence records; protection for law enforcement manuals; and provisions to broaden the scope of the current law enforcement exemptions. We consider these proposals to be reasonable and necessary.

The Bill recently introduced by Senator Hatch entitled, "Freedom of Information Reform Act," addresses problems encountered by law enforcement with the Act and, if enacted into law, would go far toward protecting informants and investigations from being compromised by an FOIA disclosure.

7. QUESTION: The DEA study noted that 40% of all FOIA requests received by that agency originated with imprisoned felons. Would some ability to restrict the FOIA privilege now accorded to imprisoned felons help?

ANSWER: During Fiscal Year 1982, 1,549 requests, or 12.8 percent of the Freedom of Information Act (FOIA) and Privacy Act requests received at FBI Headquarters, were from prisoners. The FBI counts as prisoners only those requesters who identify themselves as such or whose imprisonment can reasonably be inferred from the request letter. A recent example demonstrates the use of the FOIA by imprisoned felons. A convicted felon, while on parole, showed an undercover FBI agent copies of FBI records. He told the undercover agent that he obtained these documents through FOIA and Privacy Act requests. He claimed that he had uncovered informant identities by reviewing these documents. This individual, now back in prison, has resumed his use of the FOIA. Restrictions on the ability of this individual and other imprisoned felons to use the FOIA would afford greater protection to our records.

The Bill recently introduced by Senator Hatch entitled, "Freedom of Information Reform Act," contains a provision which authorizes the Attorney General to promulgate regulations which restrict access by imprisoned felons under the FOIA.

8. QUESTION: During the hearing, Director Webster mentioned that he has compiled a list of instances when evidence was suppressed in court proceedings due to some form of FBI officer error. Could you supply that list to the Committee? Could you also supply information about FBI procedures for disciplining internally any FBI officer who violates standards of proper search and seizure conduct? Could you inform us of how often these procedures have been used?

ANSWER: Attached hereto is a copy of the last Quarterly Report of Legal Problems. This compilation results from submissions by each field office of instances in which: (1) A court rules adversely to the prosecution on defendant's motion to suppress evidence obtained or offered by the FBI, (2) a court rules that an FBI complaint for an arrest warrant or affidavit for a search warrant was defective, (3) any ruling prejudicial to the prosecution, any mistrial declared or reversal of conviction which is the result of FBI action in the case, (4) any ruling or opinion in which a court criticizes, condemns, or otherwise adversely comments on an FBI practice or technique in a particular case or a general practice or procedure of the FBI, regardless of whether the court orders suppression of evidence or other sanctions for the conduct.

The report is compiled for the information of the Director and to determine whether there is a need to revise procedures, change or amplify instructions or manual provisions, or emphasize further training in areas which generate problems. It is not compiled for reasons relating to internal discipline; however, a copy is furnished to the Office of Professional Responsibility, Inspection Division. That office independently reviews the report and inquires as it believes necessary into any item referred to therein. If the inquiry determines that there was a violation of FBI rules, illegal conduct or a Constitutional violation, it would report the relevant facts to the Administrative Services Division for the application of appropriate disciplinary measures.

Allegations of criminality or serious misconduct must be reported simultaneously to the FBI's Office of Professional Responsibility and to the Administrative Summary Unit, Administrative Services Division. An administrative inquiry is then conducted which includes an opportunity for employees against whom allegations are made to respond. The record of the inquiry shall include the initial allegation, the investigative results, aggravating or mitigating circumstances, statement of specific charge(s); and the employee's answer(s) including defenses to the specific charge(s), if any.

It is the avowed intention of the FBI to insure that its employees are diligent in their observations of individual constitutional guarantees. If any violation of proper search and seizure conduct is discovered this violation would be contrary to established rules and regulations of the FBI and possibly in some instances a violation of law. The FBI's Schedule of Disciplinary Offenses and Penalties which is utilized as a guide in determining appropriate discipline would call for a first offense violation of oral reprimand to removal, thus enabling a certain amount of flexability depending on the seriousness of the violation. During the past calendar year five Special Agents were subject to disciplinary proceedings wherein errors in judgment were evident in their investigative duties relating to the gathering of evidence or inattention to detail when conducting a search. There were no serious instances of misconduct relating to search and seizure activities.

Memorandum

To : The Director
Date 4/4/83

From : Legal Counsel

Subject : REPORT OF LEGAL PROBLEMS
QUARTERLY REPORT

PURPOSE: To provide a summary of cases in which courts have suppressed evidence offered by the FBI, or have criticized FBI practices or procedures, during the period 9/16/82-12/15/82.

SYNOPSIS:

Three pertinent matters concerning search and seizure were reported. In the first decision, a reviewing court found insufficient probable cause in the affidavit to support the search warrant. In the second, it was ruled that the warrant was overly broad in describing the place to be searched. This search was conducted by local authorities. In the third case, bank and corporate records were suppressed because of the manner in which a Grand Jury subpoena was issued and executed.

Three incidents involving exclusion of confessions were reported. In each case, the confession was suppressed upon a finding that the suspect was "in custody" for *Miranda* purposes and the *Miranda* warnings and waiver of rights had not preceded the statements.

In a Title III matter, a reviewing court found that the probable cause for the wiretap order was insufficient.

A mistrial was declared in a case when sequestered Agent-witnesses who had testified discussed the case with Agent-witnesses who had not testified.

Lastly, in a previously reported confession matter, the U.S. Supreme Court remanded the case to the lower court for reconsideration in light of the Court's ruling in a similar case.

RECOMMENDATION:

None. For information. No FBI policies or procedures are being changed as a result of the foregoing matters.

DETAILS:

Search and Seizure

The Minneapolis Division advised that items seized pursuant to a search warrant in a bank fraud investigation were suppressed by the U.S. District Court for the District of Minnesota. The court ruled that there was insufficient probable cause to believe that defendant, who had committed the crime more than a year before, would still have documents in his possession evidencing such. No appeal is contemplated (U.S. v. Clemens).

The Philadelphia Division advised that in a RICO investigation, the U.S. Court of Appeals for the Third Circuit suppressed the fruits of a search pursuant to warrant. The search warrant was obtained and executed by local officers. Subsequently the evidence obtained was sought to be used in a federal prosecution. The court ruled that the probable cause for the search was limited to only one apartment in a building containing three apartments. Nevertheless, the warrant was not limited to the one apartment. As such, the court declared the warrant invalid. No appeal is contemplated (U.S. v. Busk).

The Salt Lake City Division advised that in a bank fraud and embezzlement matter, the United States District Court for the District of Utah suppressed bank and corporate records. These records were obtained through the issuance of a Federal Grand Jury subpoena. The subpoena was issued in 1977 when the policy of the United States Attorney's Office was to have FBI Agents issue subpoenas for records and assume custody for such. Although this practice has been discontinued, the U.S. Attorney's Office nevertheless sought Department authorization to appeal. The Department would not authorize an appeal (U.S. v. Nelson).

Confessions

The Miami Division advised that the United States District Court for the Southern District of Florida suppressed voice identification testimony in a RICO investigation because the subject had not been advised of his Miranda rights prior to tape recording his voice. The court orally ruled that Miranda warnings should have been accorded defendant prior to the recording. The basis for this ruling is unclear, but it appears that the court believed that the defendant was in custody for Miranda purposes at the time. Voice identification was established from other sources, thus obviating the need to appeal the ruling (U.S. v. Griffin).

The Little Rock Division reported that the U.S. District Court for the Eastern District of Arkansas suppressed a confession in a bank embezzlement matter on the basis that Miranda warnings were not administered. Although the subject of the interview was not in formal custody at the time, the court nevertheless found custody for Miranda purposes from the fact that the subject was the focus of the investigation, that she did not subjectively believe she was free to leave, and from the coercive nature of the questioning. The U.S. Attorney was unsuccessful in obtaining Departmental authorization to appeal (U.S. v. Perry).

The El Paso Division advised that the U.S. District Court for the Western District of Texas suppressed a confession in a bank embezzlement matter because Miranda warnings were not administered. Although the defendant was not in formal custody and was interviewed at her home, the court nevertheless found custody from the fact that the defendant was the focus of the investigation, that the defendant had a subjective belief that she was not free to leave, and that there existed probable cause to arrest her. The defendant nevertheless entered a plea of guilty, eliminating the need for an appeal (U.S. v. Hernandez).

Title III

The Phoenix Division advised that in a RICO investigation, evidence from a Title III wiretap order was suppressed by the U.S. District Court for the District of Arizona. The court ruled that there was insufficient probable cause to justify the court order. The Department would not authorize the taking of an appeal (U.S. v. Peralta).

Evidence

The Oklahoma City Division advised that in an interstate transmission of wagering information case, a mistrial was declared by the U.S. District Court for the Western District of Oklahoma. The mistrial was declared on the basis that after Agent-witnesses were sequestered, two Agents who testified at the trial discussed the case with two other Agent-witnesses who had not yet testified. The Oklahoma City Division advised that the matter is being investigated by the Office of Professional Responsibility (U.S. v. Poe).

Previously Reported Matters

The following case, reported by the Minneapolis Division and noted in the Quarterly Report of 11/16/82, at page 3, was the subject of an appellate court decision during the reporting period:

Confessions

The U.S. Supreme Court remanded the case of U.S. v. Eagle Elk to the U.S. Court of Appeals for the Eighth Circuit for reconsideration in light of the Supreme Court's ruling in a similar case, Fields v. Wyrick. The Eighth Circuit earlier approved suppression of a confession on grounds that an additional warning and waiver of rights is required for any interview following a polygraph examination.

QUESTIONS SUBMITTED BY SENATOR LEAHY

QUESTION:

"I am frankly less happy about the law enforcement training picture. This was absolutely the highest priority with Vermont law enforcement officials during a rural crime hearing held by the Judiciary Committee in Burlington last summer. The Administration has kept the funding levels flat and the number of work years are actually lower than in the previous Administration."

ANSWER:

The funded Direct Agent Work Years (DAWYs) for the FBI's Field Police Training Program for the periods indicated, are as follows:

Fiscal Year	DAWYs
1979	144
1980	141
1981	130
1982	139
1983	139 + 3 = 142*
1984	142*
1985	203**

*Reflects 4/1/83 target staffing level adjustment
**Reflects a 61 DAWY increase submitted to the Department of Justice

It is noted that on 4/1/83, three DAWYs were reassigned from other FBI programs to training. These three DAWYs will increase our 1984 commitment from 139 to 142.

The FBI's state and local training effort peaked in 1976 when 199 DAWYs were committed to training. In that year the FBI had a funded Agent complement of 8,574. This fiscal year the FBI has fewer than 8,000 Agents but has committed 142 Agents to state and local training. For fiscal year 1985, a request is pending for 61 additional DAWYs in order to enhance the FBI's violent crime instructional program in the field.

QUESTION:

"When do you expect that we can see Administration proposals for increased funding for law enforcement training. It would strike me as ironic if we fully prepared ourselves for foreign conflict but remained unprepared for the fight against violent crime here at home."

ANSWER:

For over forty years the FBI has provided training assistance upon request and without charge to duly constituted, full-time criminal justice personnel and agencies. This training is provided at the FBI Academy in Quantico, Virginia, and by Special Agents assigned to our 59 field offices. In response to the Attorney General's Task Force to Combat Violent Crime report, the FBI committed three additional Agents for training state and local law enforcement, particularly in areas related to violent crime matters. This year, 60% of the FBI's instruction will be in violent crime related topics. Hours of instruction in these courses are up 15% over last year.

QUESTION:

"Substantial training of state and local law enforcement officers as well as federal law enforcement officers goes on both at the FBI Academy in Quantico, Virginia and the Federal Law Enforcement Training Academy in Glynco, Georgia run by the Department of the Treasury. Could you describe the different emphasis of these training facilities and what you have done as the Director of the FBI to coordinate the training programs of the two facilities."

ANSWER:

The Justice-Treasury State and Local Law Enforcement Training Program was established in February 1982 by Memorandum of Agreement between Assistant Secretary for Enforcement and Operations John M. Walker, Jr., Department of the Treasury, and Associate Attorney General Rudolph W. Giuliani. The program evolved from the recommendations of the Attorney General's Task Force on Violent Crime, specifically:

> Recommendation 11 - The Attorney General should expand, where possible, the training and support programs provided by the federal government to state and local law enforcement personnel.
>
> Recommendation 44 - The Attorney General should establish, and where necessary seek additional resources for, specialized training programs to allow state and local law enforcement personnel to enhance their ability to combat serious crime.

The Assistant Director of the FBI Training Division is a member of the Justice-Treasury Advisory Committee on State and Local Law Enforcement Training and a Training Division Supervisor is on the Justice-Treasury State and Local Law Enforcement Training Program Working Group. As members of the Advisory and Working Group the FBI has been in position to monitor the curriculum to ensure that training offered by other federal agencies, at the national level, would not be duplicated.

The pilot program developed and presented eleven advanced, specialized courses to improve the operational skills of state and local personnel, supervisors, and trainers of such personnel. As mandated, the courses were offered on a cost reimbursable basis at the Federal Law Enforcement Training Center. The courses utilized existing resources and expertise of Federal enforcement agencies and were desinged to avoid duplication of available training in those instances where demand was fully satisfied.

The FBI has participated in the development of several of the pilot courses and is providing instruction in the Cargo Theft Investigation and Fraud and Financial Investigation courses. As a member of the Working Group, the FBI also participated in assembling the catalogue of course offerings at the National Center for State and Local Law Enforcement Training (NCSLLET), and at the FBI Academy. This catalogue also includes those courses conducted by the FBI in the field.

As you can see, the FBI has directly supported and is assisting in the training of state and local law enforcement officers at the Glynco facility. To date our participation in the Justice-Treasury State and Local Law Enforcement Training Program has been in the form of advisory and instructional assistance.

At the FBI Academy we provide a variety of specialized programs and schools to state and local enforcement officers. Each year 1,000 officers attend the eleven-week National Academy at Quantico. In addition to numerous specialized schools in areas such as Behavioral and Forensic

Science, White Collar Crime and Management, several specialized programs are available.

The Law Enforcement Executive Development Seminar (LEEDS) at the FBI Academy was designed to fill the executive training needs of the local police managers in mid-sized jurisdictions with a population of 200,000 or less. LEEDS provides up-to-date training in a number of areas including labor relations, criminal psychology and profiling, crisis management, media relations, cut-back management, budget, legal problems.

The National Executive Institute (NEI) is a 15-day training program at the FBI Academy designed for the chief executives of the largest law enforcement agencies in the U.S. Utilizing intensive study and seminar methodology, a wide variety of subjects are covered, including affirmative action, the future of crime control, executive stress and the impact of social, political and economic trends.

As you may note these are the types of programs and schools not otherwise available to local law enforcement.

QUESTION:

Should the Congress legislatively mandate undercover investigation guidelines, including specific standards to be met? (FBI undercover guidelines already exist; the question is whether the Director might be willing to hint that Congress should set a more firm and well-known policy.)

ANSWER:

The Department of Justice currently is formulating views on S.804. These views will address this issue. Until that has been completed, it would be premature for the FBI to comment on this question.

QUESTION: If one is willing to accept that the so-called "Asylum Scenario" (bribing Congressmen for their work in getting U. S. citizenship for wealthy Arabs) unfolded and grew, at least during initial stages, due to the persuasive powers of a convicted felon and informant (Melvin Weinberg), how can the Congress be assured, short of legislation, that the Department and the Bureau will be in better control of policy decisions in undercover operations?

ANSWER: The asylum scenario was developed primarily by an Undercover Special Agent of the Federal Bureau of Investigation (FBI). The involvement of Melvin Weinberg in the development of this scenario was done under the supervision of a Special Agent.

Various procedures and guidelines are currently in place to provide control of policy decisions, but the control must be flexible enough to allow Special Agents to use their initiative and to take advantage of rapidly moving events. Also, these procedures and guidelines undergo constant review to establish the need for additional controls and to determine if current controls are effective, efficient and relevant.

QUESTION: If the Bureau's massive undercover apparatus can be manipulated by a Melvin Weinberg, how can we be assured that other sophisticated middlemen and informants cannot repeat his actions?

ANSWER: The use of informants and cooperating witnesses is essential if we are to identify criminal subjects and establish credibility for our undercover Special Agents. This was the function of Melvin Weinberg which is much different from that of a middleman or corrupt influence peddler. While we use the information obtained from middlemen it must be remembered that these individuals are themselves the subjects of an investigation and they are unaware that they are dealing with the FBI.

Although the greatest possible care is exercised to prevent a perversion of our undercover operations, some risk is inevitable in the use of informants and cooperative witnesses who work for us, and corrupt influence peddlers whom we investigate and lead us to others. But the goals are worthy of the risks and these persons are essential for the results would otherwise be unobtainable.

QUESTION:

Should Congress enact legislation specifically creating an affirmative defense of entrapment?

ANSWER:

Because this issue is also being addressed by the Department of Justice, it is premature for the FBI to comment.

QUESTION:

Should entrapment be defined as a matter of law and applied when it is shown by a preponderance of the evidence that the defendant was entrapped?

ANSWER:

This issue is also being addressed by the Department of Justice.

QUESTION:

Should Congress enact legislation to financially compensate persons whose injury to person or property was proximately caused by a Department of Justice undercover operation?

ANSWER:

This issue is also being addressed by the Department in the context of comments on S. 804.

QUESTION:

Has the need to obtain certifications resulted in any decision not to propose some projects?

ANSWER:

We know of no instances where the requirement of obtaining certification of exemptions resulted in a decision not to propose an undercover operation. The current procedure for obtaining certification of exemptions is not sufficiently complicated or time consuming for either the field division submitting the request or for FBI Headquarters which prepares and follows the appropriate paperwork requesting same to prompt a decision not to propose a project. The request is made to FBI Headquarters by the field division conducting the undercover operation. Thereafter, a memorandum from the Director to the Deputy Attorney General is prepared setting forth sufficient justification for certification by the Director and the Deputy Attorney General. The Director or his designee indicates his certification of the need for exemptions by signing the above memorandum. Thereafter this memorandum is hand carried to the Department where it is further reviewed. The Deputy Attorney General indicates his certification of the need for exemption by signing another memorandum so stating addressed to the Director.

QUESTION:

Aside from an interruption of authority, what kinds of problems are caused by the fact that the waiver authority is part of the annual authorization bill, so it has to be reenacted every year? Does that fact make it materially harder to plan or conduct long-term operations?

ANSWER:

The fact that the waiver authority is part of the annual authorization bill does not of itself cause us problems with respect to either planning or conducting long term undercover operations. Our field divisions assume that appropriate legislation will be enacted containing the necessary authority to obtain and utilize exemptions. The problem lies in the fact that lapses in this authority occur when either an authorization act or an extension thereof is allowed to expire. When that happens we are no longer able to use income generated by an operation to offset necessary and reasonable expenses of the operation or deposit more than $100,000 in a bank account. The inability to use income from our front or legitimate businesses makes that business appear abnormal and creates the risk of exposing the business cover, informants and/or undercover Agents. The inability to deposit in excess of $100,000 in a bank account risks damaging the credibility of the operation and severely diminishes the appearance of financial stability. Faced with this risk, we are unable to consider for approval, in the absence of such authorities, many operations entailing a business scenario. Also, every time a new authorization act becomes law we are required to recertify exemptions previously obtained.

QUESTION:

Can you give us some general examples of the benefits that might come from permanent waiver authority? Are there benefits in the present system?

ANSWER:

The benefits to be derived from permanent authority to obtain and utilize exemptions are twofold: (1) interruption of our undercover authorities caused by lapses in legislation authorizing same and the myriad of problems resulting therefrom would be a thing of the past; (2) we would save considerable time and effort in recertifying previously certified exemptions every time a new authorization bill becomes law.

The benefit in the present system of including waiver authority in annual authorization bills lies in the fact that it affords both Congress and the FBI a mechanism for annual review and to make changes, if necessary.

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